



भारत का राजपत्र

The Gazette of India

प्रापिकार से प्रकाशित
PUBLISHED BY AUTHORITY

१९९७
१२५२

सं. 52]

नई दिल्ली, शनिवार, विसम्बर 27, 1997/ पौष 6, 1919

No. 52] NEW DELHI, SATURDAY, DECEMBER 27, 1997/PAUSA 6; 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि महं अलग संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—चण्ड 3—उप-चण्ड (ii)
PART II—Section 3---Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विद्य संवालय
मुख्य आयकर आयकर का कार्यालय II
अधिसूचना संख्या 1/97-98
कलकत्ता, 19 सितम्बर, 1997

का.आ. 3186.—आयकर अधिनियम, 1961 (1961 को 43) की धारा 120 की उपधारा (1) एवं (2) में पृष्ठ गए अधिकार, अधिसूचना संख्या 1965 काइल सं. 279/93-आई.टी.जे. (भाग-II) दिनांक 5-7-94 और पास.ओ. सं. 504 दिनांक 5-7-94 के अनुसार के. प्र.क. बोर्ड, नई दिल्ली, द्वारा पृष्ठ गए अधिकार एवं मुझे मौजे गए अन्य अधिकारों एवं इस मंदर्भ में पूर्व अधिसूचनाओं का अधिक्रमण एवं आर्थिक संशोधन करते हुए, ऐसे अधिक्रमण के पहले किए गए मामलों या किए जाने वाले मामलों को छोड़कर, मैं, मुख्य आयकर आयकर अधिकारी-II, कलकत्ता, एतद्वारा यह आदेश देता हूँ कि संलग्न अनुसूची के कालम '2' में विनिर्दिष्ट इस क्षेत्र के आयकर आयकर (ग्र) ऐसे व्यक्तियों के संबंध में अपने कृत्य का पालन करेंगे जिनके आयकर अथवा धनकर या दानकर या अतिकर या व्याजकर या व्ययकर या संपदा शुल्क का निर्धारण कालम '3' में विनिर्दिष्ट आयकर प्राधिकारियों/निर्धारण अधिकारियों के द्वारा आयकर अधिनियम 1961 की धारा 246 की उपधारा (2) के खंड (ए) में (एच) तक, धनकर अधिनियम, 1957 (1957 का 27) की धारा 23 की उपधारा (1ए) के खंड (ए) में (ई) तक, दानकर अधिनियम, 1958 (1958 का 18) की धारा 22(1ए) के खंड (ए) से (ई) तक, (कम्पनी लाभ) अतिकर अधिनियम 1984 (1984 का 7) की धारा 11 की उपधारा (1) व्याजकर अधिनियम 1974 (1974 का 45) की धारा 15 की उपधारा (1) और संपदा शुल्क अधिनियम 1953 की धारा 62 में उल्लिखित किन्हीं आदेशों से कथित हैं।

2. जहां आयकर संकलन, वार्ड अथवा विशेष रेंज या उनके अंश इस अधिसूचना एक प्रभार से दूसरे प्रभार में स्थानान्तरित हो गए हों, इस अधिसूचना के जारी होने के तुरन्त पहले आयकर आयुक्त (अ) के समीप उन आयकर वार्ड/संकिल/विशेष रेंज अथवा उनके अंश में दूर्वा निर्धारण से उद्भूत अपील लंबित हों तो इस अधिसूचना के लागू होने की नियम से उन विशेष वार्ड/संकिल/विशेष रेंज अथवा उनके अंश से स्थानान्तरित किए गए मामलों का निष्पादन उन आयकर आयुक्त (अ) के द्वारा किए जायेंगे, जिनके अधीन उक्त वार्ड/संकिल/विशेष रेंज अथवा उनके अंश स्थानान्तरित किए गए हों।

3. यह अधिसूचना' दिनांक 22-9-97 से प्रभावी होगी।

आयकर आयुक्त (अ) का क्षेत्राधिकार

क्रम सं. आयकर आयुक्त (अ) का पदनाम

क्षेत्राधिकार

1 2

3

1.	आयकर आयुक्त (अ)—2 कलकत्ता	(क) आयकर उपायुक्त, रेंज-2, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी । (ख) आयकर उपायुक्त, वि.रे.-3, कल. और वा.आ.उपा.रे-3 कल. के अधीन सभी निर्धारण अधिकारी । (ग) आ.उपा., वि.रे.-13, कल. और/या आ.उपा. वि.रे.-13, कल. के अधीन सभी निर्धारण अधिकारी । (क) आयकर उपायुक्त रे-8, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी
2.	आयकर आयुक्त (अ)—4, कल.	(ख) आयकर उपायुक्त, रे-16, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी । (क) आयकर उपायुक्त रे-3, रे-3 कल. के अधीन कार्यरत सभी निर्धारण अधिकारी
3.	आयकर आयुक्त (अ)—5, कल.	(ख) आ.उपा., वि.रे.-9, कल. और/या आ.उपा. वि.रे.-9, कल. के अधीन सभी निर्धारण अधिकारी । (ग) आ. उपा., वि.रे.-14, कल. और/या आ.उपा., वि.रे.-14, कल. के अधीन सभी अधिकारी ;
4.	आयकर आयुक्त (अ)—11, कल.	(घ) आ. उपा., वि.रे.-17, कल. और/या आ.उपा. वि.रे.-17, कल. के अधीन सभी अधिकारी । (क) आ.उपा., रे-14, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी ।
5.	आयकर उपायुक्त (अ)—14, कल.	(ख) आ.उपा., वि.रे.-23, कल.. और/या आ. उपा., वि.रे.-23, कल. के अधीन सभी निर्धारण अधिकारी ।

6. आयकर आयुक्त (अ) - 15, कल.

(क) आ.उपा., रे-17, कल. के अधीन कार्यरत सभी निर्धारण अधिकारी।

(ख) आ.उपा.,
वि.रे.-16, कल. और/या आ.उपा., वि.रे.-16, कल. के अधीन सभी निर्धारण अधिकारी।(ग) आ.उपा. वि.रे.-24,
कल. और/या आ.उपा., वि.रे.-24, कलकत्ता के अधीन सभी निर्धारण अधिकारी।

[फा.सं. भु.आ.आ-II/मु./वि.-16/प्रपील/97-98/2237]

प्रार.वी.एल. प्रगतिशाल, मुख्य आयकर आयुक्त-II

**MINISTRY OF FINANCE
OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX II
NOTIFICATION NO. 1/97-98 :**

Calcutta, the 19th September, 1997

S.O. 3186.—In exercise of the powers conferred by the sub-section (1) &(2)of section 120 of the Income Tax Act,1961(43 of 1961) and the powers conferred on me by the Central Board of Direct Taxes, New Delhi, vide Notification No. 9565 F.No.279/93-ITJ(Pt.II)dated 5-7-1994 and S.O. No.504 dated 5-7-1994 and all other powers enabling me in this behalf and in partial modification and in supersession of all earlier Notifications made in this behalf, except in respect of thing done or omitted to be done before such supersession,I, the Chief Commissioner of Income-tax II, Calcutte, hereby direct that the Commissioners of Income Tax (Appeals)of this reason specified in column 2 of the schedule attached hereto, shall perform their functions in respect of such persons assessed to Income Tax or Wealth Tax or Gift Tax or Sur-tax or Interest Tax or Expenditure Tax or Estate Duty by the Income Tax Authorities/Assessing Officers specified in column 3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of sub-section (2) of section 246 of the Income Tax Act, 1961, clauses (a) to (e) of sub-section (1A) of section 23 of the Wealth-tax Act, 1957 (27 of 1957), clauses (a) to (e) of sub-section (1A) of section 22 of the Gift-tax, Act, 1958 (18 of 1958), sub- section (1) of section 11 of the Companies (Profit) Sur-tax Act, 1984 (7 of 1984), sub-section (1) of section 15 of the Interest-tax Act, 1974 (45 of 1974), sub-section (1) of section 22 of the Expenditure-tax Act, 1987 (35 of 1987) and section 62 of the Estate Duty Act, 1953.

2. Where an Income-tax Circle, Ward of D.C. Range or Special Range or part thereof stands transferred by this Notification from one charge to another, appeals arising out of the assessments made in that Income-tax Ward Circle/Special Range or part thereof and pending, immediately before the date from which this Notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that particular Income-tax Ward/Circle/Special Range or part thereof is transferred, shall from the date from which this Notification takes effect, be transferred to and dealt with by the Commissioners of Income-tax (Appeals) to whom the said Ward/Circle/Special Range or part thereof is transferred.

3. This Notification takes effect from 22-9-1997.

**SCHEDULE
JURISDICTION OF THE COMMISSIONER OF INCOME TAX (APPEALS)**

Sl. No.	Designation of the Commissioner of Income Tax (Appeals)	Jurisdiction
1	2	3
1.	Commissioner of Income Tax (Appeals)-II, Calcutta	(a) All the Assessing Officers functioning under the Deputy Commissioner of Income Tax, Range-2, Calcutta. (b) The Deputy Commissioner of Income Tax, Special Range-3, Calcutta and/or all the Assessing Officers Subordinate to the Deputy Commissioner of Income Tax, Special Range-3, Calcutta.

(c) The Deputy Commissioner of Income Tax, Special Range-13 Calcutta and/or all the Assessing Officers Subordinate to the Deputy Commissioner of Income Tax, Special Range-13, Calcutta.

2. Commissioner of Income Tax (Appeals)-IV, Calcutta

(a) All the Assessing Officers functioning under the Deputy Commissioner of Income Tax, Range-12, Calcutta.

(b) The Deputy Commissioner of Income Tax, Special Range-4, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income Tax, Special Range-4, Calcutta.

3. Commissioner of Income Tax (Appeals)-V, Calcutta

(a) All the Assessing Officers functioning under the Deputy Commissioner of Income Tax, Range-8, Calcutta.

(b) All the Assessing Officers functioning under Deputy Commissioner of Income Tax, Range-16, Calcutta.

4. Commissioner of Income Tax (Appeals)-XI, Calcutta

(a) All the Assessing Officers functioning under the Deputy Commissioner of Income Tax Range-3, Calcutta.

(b) The Deputy Commissioner of Income Tax, Special Range-9, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income Tax, Special Range-9, Calcutta.

(c) The Deputy Commissioner of Income Tax, Special Range-14, Calcutta and/or all the Officers subordinate to the Deputy Commissioner of Income Tax, Special Range-14, Calcutta.

(d) The Deputy Commissioner of Income Tax, Special Range-17, Calcutta and/or all the officers subordinate to Deputy Commissioner of Income Tax, Special Range-17, Calcutta.

5. Commissioner of Income Tax (Appeals)-XIV, Calcutta

(a) All the Assessing Officers functioning under the Deputy Commissioner of Income-Tax, Range-14, Calcutta.

(b) The Deputy Commissioner of Income-Tax, Special Range 23, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-Tax, Special Range-23, Calcutta.

6. Commissioner of Income Tax (Appeals)-XV, Calcutta

(a) All the Assessing Officers functioning under the Deputy Commissioner of Income-Tax, Range-17, Calcutta.

(b) The Deputy Commissioner of Income-Tax, Special Range-16, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-Tax, Special Range-16, Calcutta.

(c) The Deputy Commissioner of Income-Tax, Sepcial Range-24, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-Tax, Special Range-24, Calcutta.

शुद्धि पत्र

कलकत्ता, 19 सितम्बर, 1997

का.आ. 3187.—प्रधिसूचना फा.सं.सी.सी.-II/मुख्या./वि. 16/अ/97-98/2237, दिनांक 19-9-97 इस हद तक संशोधित किया जाता है कि क्रम संख्या '2' के कालम '2' के आ.आ. (अ) का क्षेत्राधिकार में उल्लिखित क्षेत्राधिकार होगा।

आ.आ. (अ) का पदनाम

क्षेत्राधिकार

आयकर आयुक्त (अ)-4, कल.

(क) आ.उपा., रे-12, कल. के अधीन कार्यरत निर्धारण अधिकारी।

(ख) आ. उपा., वि.रे-4, कल. और/या आ.उपा. वि.रे.-4, कल. के अधीन निर्धारण अधिकारी।

(ग) आ. उपा., वि.रे.-15, कल. और/या आ.उपा., वि.रे.-15, कल.के. अधीन सभी निर्धारण अधिकारी।

यह दिनांक 22-9-97 से लागू होगा।

[फा.सं. मु.आ.आ. II/मु.वि.-16/अपील/97-98/2237]
प्रार.बी.एल. अग्रवाल, मुख्य आयकर आयुक्त-II

CORRIGENDUM

Calcutta, the 19th September, 1997

S.O. 3187.—Notification F.No.CC-II/HQ/Misc-16/Appeal/9788/2237 dated the 19th September, 1997 is amended to the effect that Commissioner of Income Tax (Appeals) in Column 2 of Serial No. 2 will have jurisdiction mentioned in Column 3 as under:—

Designation of the CIT (Appeal)

Jurisdiction

Commissioner of Income-Tax
(Appeals)-IV Calcutta.

- (a) All the assessing officers functioning under the Deputy Commissioner of Income-Tax, Range-12, Calcutta.
- (b) The Deputy Commissioner of Income-Tax, Special Range 4, Calcutta and/or all the assessing officers subordinate to the Deputy Commissioner of Income-Tax, Special Range-4, Calcutta.
- (c) The Deputy Commissioner of Income-Tax, Special Range-15, Calcutta and/or all the Assessing Officers subordinate to the Deputy Commissioner of Income-Tax, Special Range-15, Calcutta.

This will take effect from 22-9-97.

[F. No. CC-II/HQ/Misc-16/Appeal/97-98/2237]

R.B.L. AGGARWAL. Chief Commissioner of Income Tax-II

केन्द्रीय उत्पाद एवं सीमा शुल्क प्रायुक्ति का कार्यालय

श्रधिसूचना संख्या 5/1997

नागपुर, 8 नवम्बर, 1997

का.आ. 3188.—थी सी. एम. धामोरीकर, महायक प्रायुक्ति, केन्द्रीय उत्पाद एवं सीमा शुल्क प्रायुक्तिकालय, नागपुर निवास की आयु प्राप्त करने की दिनांक 30 नवम्बर 1997 को अपरान्ह में शासकीय सेवा से निवृत हुए हैं।

[प.सं. II(7)4/97/स्था.-I]

श्रीमती शशि मिज़, उप प्रायुक्ति
(कार्मिक एवं सतर्कता)

CENTRAL EXCISE & CUSTOMS COMMISSIONERATE

NOTIFICATION NO. 5/1997

Nagpur, the 8th November, 1997

S.O. 3188.—Shri C. M. Dhamorikar, Assistant Commissioner, Central Excise and Customs, Nagpur Commissionerate having attained the age of superannuation retired from Government service in the afternoon on 30th November, 1997.

[C. No. II(7)4/97/Estd.I]

SHASHI MINZ, Dy. Commissioner (P&V)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 12 दिसम्बर, 1997

का.आ. 3189.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि जिला सहकारी बैंक लि., गढ़वाल (कोटड्वारा) (उ.प्र.) पर, उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध इस अधिसूचना के सरकारी राजपत्र में प्रकाशन की तारीख से 31 मार्च, 2000 तक लागू नहीं होंगे।

[पा.सं. 1(27)/97-ए.सी.]

एस.के. ठाकुर, प्रब्रह्म सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 12th December, 1997

S.O. 3189.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Zila Sahkari Bank Ltd., Garhwal (Kotdwara), U.P. from the date

of publication of this notification in the Official Gazette to 31 March, 2000.

[F. No. 1(27)97-AC]
S. K. THAKUR, Under Secy.

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

नई दिल्ली, 3 दिसम्बर, 1997

का.आ. 3190.—मैसर्स गल्फ एयर कम्पनी, मैक्स चैम्बर्स-5, नरीमन प्लाइट, मुम्बई को संलग्नक एवं सूची के अनुसार 30,00,000/- (केवल तीस लाख रुपये) के लिये एयर आफ्ट सामग्री और उपस्करणों के प्रायात के लिये एक सी.सी.पी.सं. पी/जे/3094545 दिनांक 31-1-97 को प्रदान किया गया था।

अब फर्म ने ऊपर उल्लिखित सी.सी.पी. की अनुलिपि प्रति जारी करने के लिये इस आधार पर अनुरोध किया है कि मूल सी.सी.पी. खो गई श्रवणा अस्थानस्थ हो गई है आगे यह भी बताया गया है कि उक्त सी.सी.पी. किसी सीमाशुल्क सदन के पास पंजीकृत नहीं हैं और उसका कोई उपयोग नहीं किया गया है।

अपने तर्क के समर्थन में लाइसेंस धारक ने दिनांक 21-11-97 को नोटरी पब्लिक के समक्ष स्टाम्प पेपर पर शपथ-पत्र दायर किया है। मैं, तबनुसार सन्तुष्ट हूं कि मूल सी.सी.पी.सं.पी/जे/3094545 दिनांक 31-1-97 फैस से खो गया है श्रवणा अस्थानस्थ हो गया है। मैं एतदद्वारा विदेश व्यापार महानिदेशालय, नई दिल्ली द्वारा जारी सा. आ. 1060(अ) दिनांक 31-12-93 के प्रदत्त शक्तियों का प्रयोग मैसर्स गल्फ एयर कम्पनी, मुम्बई को जारी सी.सी.पी. सं.पी/जे/3094545 दिनांक 31-1-97 को निरस्त करता हूं।

पार्टी को सी.सी.पी. की अनुलिपि प्रति भलग से जारी की जा रही है।

[फा.सं. एस.पी.एल/1277/ए.एम-97/एस.एल.एस/649]

सोहन चन्द, विदेश व्यापार विकास अधिकारी

MINISTRY OF COMMERCE

(Directorate General of Foreign Trade)

New Delhi, the 3rd December, 1997

S. O. 3190.—M/s. Gulf Air Company, Makers Chambers-V, Nariman Point, Bombay were granted a CCP No. P/J/3094545, dated 31-1-97 for Rs. 30,00,000 (Rs. Thirty Lakhs Only) for import of Aircraft materials and equipments as per list A & B attached therewith.

The firm has applied for issue of Duplicate Copy of CCP of the above mentioned CCP on the ground that the original CCP have been lost or misplaced. It has further been stated that the CCP had not been registered with any Customs House and not utilised at all.

In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Delhi 21-11-97. I am accordingly satisfied that the original CCP No. P|J|3094545, dated 31-1-97 has been lost or misplaced by the firm. In exercise of the powers conferred on me under Order S.O. 1060(E), dated 31-12-93 issued by DGFT, New Delhi, CCP No. P|J|3094545, dated 31-1-97 issued to M/s. Gulf Air Company, Mumbai is hereby cancelled.

Duplicate CCP is being issued to the party separately.

[F. No. SPL/1277/AM-97/SLS/649]
SOHAN CHAND, Foreign Trade Development Officer

नई दिल्ली, 12 दिसम्बर, 1997

का.आ. 3191.—केन्द्रीय सरकार, नियंत्रण (गुणवत्ता नियंत्रण और निरीक्षण) नियम, 1964 के नियम, 3 के साथ पठित नियंत्रण (गुणवत्ता नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 3 के अनुसरण में एतव्वुरा निम्नलिखित व्यक्तियों को नियंत्रण निरीक्षण परिषद में इस अधिसूचना के प्रकाशन की तारीख से दो वर्ष की अवधि के लिये नामित करती है, अर्थात् :—

- (1) श्रीमती रति विनय झा, अपर सचिव, वाणिज्य मंत्रालय अध्यक्ष
- (2) निदेशक, निरीक्षण और क्वानिटी नियंत्रण, नियंत्रण निरीक्षण परिषद, नई दिल्ली सदस्य सचिव
- (3) महानिदेशक, भारतीय मानक बूरो, नई दिल्ली पदेन गदस्य
- (4) कृषि विषयन सलाहकार, भारत सरकार, नई दिल्ली, पदेन सदस्य
- (5) महानिदेशक, वाणिज्यिक आसूनता और सांस्कृतिकी, कलकत्ता पदेन सदस्य
- (6) अध्यक्ष, समूकी उत्पाद नियंत्रित विकास प्राधिकरण, कोचीन सदस्य

- (7) संयुक्त सचिव (नियंत्रित निरीक्षण प्रभारी) वाणिज्य मंत्रालय, नई दिल्ली सदस्य
- (8) निदेशक (वित्त प्रभाग) वाणिज्य मंत्रालय, नई दिल्ली सदस्य
- (9) विकास आयूक्त, लघु उद्योग, नई दिल्ली सदस्य
- (10) नामिती विज्ञान और प्रौद्योगिकी विभाग भारत सरकार, नई दिल्ली (निदेशक स्तर से नीचे नहीं) सदस्य
- (11) निदेशक, केन्द्रीय मत्त्य प्रौद्योगिकी संस्थान, कोचीन सदस्य
- (12) निदेशक, फल और मट्टी परिरक्षण, नई दिल्ली सदस्य
- (13) महानिदेशक (विदेश व्यापार), विदेश व्यापार महानिदेशालय, नई दिल्ली सदस्य
- (14) डा. डी.ए. डावोलकर, निदेशक, श्री राम इस्टीट्यूट फार फॉर्मेंटल रिसर्च, नई दिल्ली सदस्य
- (15) अध्यक्ष, कृषि एवं प्रस्तुत खाद्य उत्पाद नियंत्रित विकास प्राधिकरण, नई दिल्ली सदस्य
- (16) श्रीमती अनुराधा जे. देसाई अध्यक्ष, वेकटेश्वर हैवरीज लि., वेकटेश्वर हाउस, पुणे सदस्य
- (17) श्री प्रार.एस. शेपाद्रि उपाध्यक्ष, यूनाइटेड राइसलेंड लि., नई दिल्ली सदस्य
- (18) अध्यक्ष, काजू नियंत्रित संवर्धन परिषद, कोचीन सदस्य
- (19) अध्यक्ष, मसाना बोर्ड, कोचीन सदस्य
- (20) महानिदेशक, नेशनल टेस्ट हाउस, कलकत्ता सदस्य

[फाइल म. 3/30/97-द्वारा एण्ड ई पी]
प्रभ दास, निदेशक

New Delhi, the 12th December, 1997

S.O. 3191.—In pursuance of Section 3 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with Rule 3 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby nominates the following persons to the Export Inspection Council for a period of two years from the date of publication of this Notification, namely :—

1. Smt. Rathi Vinay Jha, Additional Secretary, Ministry of Commerce
—Chairperson

2. Director of Inspection & Quality Control, Export Inspection Council, New Delhi —Member Secretary

3. Director General of Bureau of Indian Standards, New Delhi —Ex-officio Member

4. Agricultural Marketing Advisor to the Government of India, New Delhi. —Ex-officio Member

5. Director General of Commercial Intelligence and Statistics, Calcutta, —Ex-officio Member

6. Chairman, Marine Products Export Development Authority, Cochin, —Member

7. Joint Secretary (Incharge of Export Inspection), Ministry of Commerce, New Delhi —Member

8. Director (Finance Division), Ministry of Commerce, New Delhi —Member

9. Development Commissioner, Small Scale Industries, New Delhi. —Member

10. Nominee of the Department of Science and Technology, Government of India, New Delhi (Not below the rank of Director) —Member

11. Director, Central Institute of Fisheries Technology, Cochin —Member

12. Director, Fruits and Vegetables and Preservation, New Delhi —Member

13. Director General (Foreign Trade) Directorate General of Foreign Trade, New Delhi —Member

14. Dr. D. A. Dhabolkar, Director, Shriram Institute for Fundamental Research, New Delhi —Member

15. Chairman, Agricultural and Processed Food Products Export Development Authority, New Delhi —Member

16. Mrs. Anuradha J. Desai, Chairperson, Venkateshwara, Hatcheries Ltd., Venkateshwara House, Pune —Member

17. Shri R. S. Seshadri, VP, United Rice-land Ltd., New Delhi —Member

18. Chairman, Cashew Export Promotion Council, Cochin —Member

19. Chairman, Spices Board, Cochin —Member

20. Director General, National Test House, Calcutta —Member

[File No. 3|30|97-EI&EP]
PRABH DAS, Director

कोयला मंद्रालय

नई दिल्ली, 5 दिसम्बर, 1997

का० आ० 3192.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपावद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, श्रव, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उम क्षेत्र में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं० ईसीएस/केबीए/एलए/किओपी/1/97, तारीख 23 जून, 1997 का निरीक्षण ईस्टर्न कोलफील्ड्स लिमिटेड प्रधान कार्यालय सेंटोरिया डाकघर-दिसेराफ-713333, जिला, बर्दबान] (पश्चिम बंगाल) के कार्यालय में या कलक्टर, जिला बाकुरा (पश्चिम बंगाल) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता 700001 के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भार साधक अधिकारी/विभागाध्यक्ष/ (भू-राजस्व) ईस्टर्न कोलफील्ड्स लिमिटेड, मुख्यालय-सेंटोरिया, डाकघर-दिसेराफ-713333, जिला-बर्दबान (पश्चिम बंगाल) को भेजेंगे।

अनुसूची

कालीदासपुर ब्लाक (रानीगंगा कोलफील्ड्स)

सतग्राम क्षेत्र

जिला-आंकुरा (पश्चिम बंगाल)

क्रम सं. ग्राम/मौजा का नाम	अधिकारिता सूची संख्या	थाना	जिला	क्षेत्र हेक्टर में (लगभग)	टिप्पणियाँ
1. साहेबजांगा	45	समतोरा	बांकुरा	20.00	भाग
2. भारा	1	मेसिया	बांकुरा	176.58	भाग
3. कालीदासपुर	2	मेसिया	बांकुरा	90.00	भाग
4. कालीदासपुर	3	मेसिया	बांकुरा	128.78	पूरा
5. बांसकुरी	4	मेसिया	बांकुरा	29.27	पूरा
6. बेनाकनाली	5	मेसिया	बांकुरा	45.57	पूरा
7. भुलई	6	मेसिया	बांकुरा	69.00	भाग
8. अर्धग्राम	7	मेसिया	बांकुरा	40.00	भाग
9. कसीराईतोरे	12	मेसिया	बांकुरा	20.00	भाग
10. घुसरा	13	मेसिया	बांकुरा	40.00	भाग
11. जोतारीराम	14	मेसिया	बांकुरा	188.00	भाग
12. जुगीबाग	15	मेसिया	बांकुरा	82.00	भाग
13. जोरसा	16	मेसिया	बांकुरा	5.00	भाग

कुल

934.20 हेक्टर (लगभग)

सीमा वर्णन

क-ख : रेखा बिन्दु "क" से आरंभ होती है और ग्राम/मौजा साहेबजांगा अधिकारिता सूची सं. 45 से होकर गुजरती है तथा बिन्दु "ख" बिन्दु पर मिलती है।

ख-ग : रेखा बिन्दु "ख" से आरंभ होती है तथा ग्राम/मौजा भाड़ा अधिकारिता सूची सं. 1 से होकर गुजरती है और बिन्दु "ग" पर मिलती है।

ग-घ : रेखा बिन्दु "ग" से आरंभ होती है और ग्राम/मौजा कालीदासपुर अधिकारिता सूची सं. 2 से होकर गुजरती है तथा बिन्दु "घ" पर मिलती है।

घ-ङ : रेखा बिन्दु "घ" से आरंभ होती है और ग्राम/मौजा जुगीबाग अधिकारिता सूची सं. 15 से होकर गुजरती है तथा बिन्दु "ङ" पर मिलती है।

ङ-छ : रेखा बिन्दु "ङ" से आरंभ होती है और ग्राम/मौजा घुसरा अधिकारिता सूची सं. 14 से होकर गुजरती है तथा बिन्दु "छ" पर मिलती है।

छ-ज : रेखा बिन्दु "छ" से आरंभ होती है और ग्राम/मौजा घुसरा अधिकारिता सूची सं. 13 से गुजरती है तथा बिन्दु "ज" पर मिलती है।

ज-झ : रेखा बिन्दु "झ" से आरंभ होती है और ग्राम/मौजा घुसरा अधिकारिता सूची सं. 13 से होकर गुजरती है तथा बिन्दु "झ" पर मिलती है।

झ-ञ : रेखा बिन्दु "ञ" से आरंभ होती है और ग्राम/मौजा कसीराईतोरे अधिकारिता सूची सं. 12 से होकर गुजरती है तथा बिन्दु "ञ" पर मिलती है।

ब-ट: रेखा विन्दु "ब" से प्रारंभ होती है और ग्राम/मौजा जोतारीराम अधिकारिता सूची सं० 14 से होकर गुजरती है तथा विन्दु "ट" पर मिलती है ।

ट-ठ: रेखा विन्दु "ट" से प्रारंभ होती है और ग्राम/मौजा मुनई अधिकारिता सूची सं० 6 से होकर गुजरती है तथा विन्दु "ठ" पर मिलती है ।

ठ-ड: रेखा विन्दु "ठ" से प्रारंभ होती है और ग्राम/मौजा अवग्राम अधिकारिता सूची सं० 7 से होकर गुजरती है तथा विन्दु "ड" पर मिलती है ।

ड-क: रेखा विन्दु "ड" से प्रारंभ होती है और ग्राम/मौजा अवग्राम अधिकारिता सूची सं० 7, ग्राम/मौजा भारा अधिकारिता सूची सं० 1 और ग्राम/मौजा साहेबडांगा अधिकारिता सूची सं० 45 से होकर गुजरती है तथा आरभिक विन्दु "क" पर मिलती है ।

[फा०सं० 43015/15/97-एस० इम्प०]

श्रीमती पी०एस० सैनी, अवर सचिव

MINISTRY OF COAL

New Delhi, the 5th December, 1997

S.O. 3192.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein ;

The Plan bearing Number ECL/KBA/LA/KOP/1/97, dated the 23rd June, 1997 of the area covered by this Notification can be inspected in the

office of the Eastern Coalfields Limited, Head Office Sanctoria, Post Office Disergarh—713 333, District Burdwan (West Bengal) or in the office of the Collector, Bankura—722 101, District Bankura (West Bengal) or in the office of the Coal Controller, 1, Council House Street, Calcutta—700 001.

All persons interested in the lands covered by this Notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of Department (Land Revenue), Eastern Coalfields Limited, Head Office Sanctoria, Post Office Disergarh—713 333, District Burdwan (West Bengal) within ninety days from the date of publication of this Notification.

**SCHEDULE
KALIDASPUR BLOCK (RANIGANJ COAL FIELDS)
SATGRAM AREA
DISTRICT : BANKURA (WEST BENGAL)**

Sl. No.	Name of Village/Mousa	Jurisdiction List Number	Police Station	District	Area in Hectares (Approximate)	Remarks
1	2	3	4	5	6	7
1.	Sahobdanga	45	Saltora	Bankura	20.00	Part
2.	Bhata	1	Mejhia	Bankura	176.58	Part
3.	Kalidaspur	2	Mejhia	Bankura	90.00	Part
4.	Kalikapur	3	Mejhia	Bankura	128.78	Full
5.	Banskuri	4	Mejhia	Bankura	29.27	Full
6.	Benakanali	5	Mejhia	Bankura	45.57	Full
7.	Bhului	6	Mejhia	Bankura	69.00	Part
8.	Ardhagram	7	Mejhia	Bankura	40.00	Part
9.	Kshirajitoro	12	Mejhia	Bankura	20.00	Part
10.	Ghusra	13	Mejhia	Bankura	40.00	Part
11.	Jotsriram	14	Mejhia	Bankura	188.00	Part
12.	Jugibag	15	Mejhia	Bankura	82.00	Part
13.	Jorsa	16	Mejhia	Bankura	5.00	Part

TOTAL 934.20 hectares
(Approximately)

BOUNDARY DESCRIPTION :

A-B Line starts from point A and passes through village/mouza Sahebdanga, Jurisdiction List Number 45 and meets at point B.

B-C Line starts from point B and passes through village/mouza Bhara, Jurisdiction List Number 1 and meets at point C.

C-D Line starts from point C and passes through village/mouza Kalidaspur, Jurisdiction List Number 2 and meets at point D.

D-E Line starts from point D and passes through village/mouza Jugbag, Jurisdiction List Number 15 and meets at point E.

E-F Line starts from point E and passes through village/mouza Jeteriram, Jurisdiction List Number 14 and meets at point F.

F-G Line starts from point F and passes through village/mouza Ghusra, Jurisdiction List Number 13 and meets at point G.

G-H Line starts from point G and passes through village/mouza Jorsa, Jurisdiction List Number 18 and meets at point H in village/mouza Ghusra, Jurisdiction List Number 13.

H-I Line starts from point H and passes through village/mouza Ghusra, Jurisdiction List Number 13 and meets at point I.

I-J Line starts from point I and passes through village/mouza Ksuraiatore, Jurisdiction List Number 12 and meets at point J.

J-K Line starts from point J and passes again through village/mouza Jotariram, Jurisdiction List Number 14 and meets at point K.

K-L Line starts from point K and passes through village/mouza Bhului, Jurisdiction List Number 6 and meets at point L.

L-M Line starts from point L and passes through village/mouza Ardhagram, Jurisdiction List Number 7 and meets at point M.

M-A Line starts from point M and passes through village/mouza Ardhagram, Jurisdiction List Number 7, village/mouza Bhara, Jurisdiction List Number 1 and village/mouza Sahebdanga, Jurisdiction List Number 45 and meets at the starting point A.

[No. 43015/15/97-LW]

Mrs. P. L. SAINI, Under Secy.

शुद्धि पत्र

नई दिल्ली, 10 दिसम्बर, 1997

का.आ. 3193-भारत के राजपत्र तारीख 20 सिंग्म्बर, 1997 के भाग-II, खंड-3, उपखंड (ii) में पृष्ठ क्रमांक 4422 से 4424 पर प्रकाशित भारत सरकार कोयला

मंत्रालय की अधिसूचना सं. का. आ. 2299 तारीख 9 सिंग्म्बर, 1997 में :—

पृष्ठ क्रमांक 4422 पर —

अनुसूची में क्रम संख्या 1 में

- (1) ग्राम का नाम स्तम्भ में “गांधी” के स्थान “गोधनी” पढ़िए।
- (2) क्रम संख्या 1 में क्षेत्र हेक्टेयर में स्तम्भ में “876. 02” के स्थान पर “576. 02” पढ़िए।
- (3) सीमा वर्णन में
 - (1) रेखा ख-ग में “महादुत्य” के स्थान पर “महादुला” पढ़िए।
 - (2) रेखा ग-घ में “ताकोल” के स्थान पर “टाकोली” पढ़िए और जहाँ कहीं भी यह शब्द प्रयुक्त हुआ हो वहाँ “ताकील” के स्थान पर “टाकली” पढ़िए।

पृष्ठ क्रमांक 4423 पर ---

सीमा वर्णन में रेखा घ-क में “रेखा गोधनी और बोझरा” के स्थान पर “रेखा गोधनी और गोरेवाडा” पढ़िए।

[सं 43015/10/97-एल डब्ल्यू]
श्रीमती पी. एल. सैनी, अवार सचिव

नई दिल्ली, 12 दिसम्बर, 1997

का.आ. 3194-केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (i) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 407, तारीख 29 जनवरी, 1997 जो भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) तारीख 15 फरवरी, 1997 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से सलग अनुसूची में विनियिट परिक्षेत्र की भूमि में, जिसका माप 310.75 हैक्टर (लगभग) या 767.89 एकड़ (लगभग) है, खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ने जाने के अधिकारों का अर्जन करने के अपने आधार की सूचना दी थी,

और समक्ष प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार के परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे सलग अनुसूची में विनियिट 310.75 हैक्टर (लगभग) या 767.89 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर, करने, उनकी खुदाई और तलाश करने उन्हें प्राप्त करने, उन पर कार्य करने और उनके ले जाने के अधिकार अंजित किए जाने चाहिए।

अतः केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा

(i) भारत प्रदल शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 310.75 हेक्टर (लगभग) या 767.89 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, खुदाई करने और तलाश करने उन्हें प्राप्त करने, उन पर कार्य करने के अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. सी-1 (ई)/iii/एफ आर /620-0297, तारीख 17 फरवरी, 1997 का निरीक्षण क्लीक्टर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियन्त्रक, 1 काउंसिल हाउस स्ट्रीट कलकत्ता 700001 के कार्यालय में या वेस्टन कोलफील्ड्स लि. (राजस्व अनुभाग) कोल स्टेट, सिथिल लाईस, नागपुर-440001 (महाराष्ट्र) में किया जा सकता है।

अनुसूची
सीआनेर परियोजना फेज 1 विस्तार (खान सं-3)
नागपुर क्षेत्र
जिला नागपुर (महाराष्ट्र)
(रेखांक सं. सी-1 (ई) III/एफ-आर/620-0297 तारीख फरवरी, 1997)

खनन अधिकार

क्र० सं० ग्राम का नाम	पट्टाधारी सर्किल सं०	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1. दुधाबर्दी	12क	कालमेश्वर	नागपुर	55. 28	भाग
2. साओंगी	10	साओंगेर	नागपुर	174. 84	भाग
3. हैली	10	साओंगेर	नागपुर	24. 78	भाग
4. साओंगेर	34	साओंगेर	नागपुर	55. 85	भाग
कुल क्षेत्र				310.75 हेक्टर (लगभग)	
या				767.89 एकड़ (लगभग)	

ग्राम बुधाबर्दी में अर्जित किए गए प्लाट सं०

1 भाग, 2 भाग, 3 से 18, 19 भाग, 21 भाग, 22 भाग, 23 भाग, 24, 25, 26/क-26ख, 27, 28, 29 भाग, 31 भाग, मार्ग भाग, नाला भाग ।

ग्राम साओंगी में अर्जित किए गए प्लाट सं०

16 से 24, 51, 54 से 75, 115 भाग, 116, 118 से 122, 125 भाग, 127 भाग, 128, 129 भाग, 130 भाग, 132 भाग, 133 भाग, 139 भाग, 140 से 151, 152क-152ख, 153, 154क-154ख, 155 से 174, 175क-175ख, 176 से 200, 201/क-201/ख, 202 से 217 218/क-218/ख-218/ग-218घ, 219, 225 से 233, 234/क-234/ख, 235 से 237, 238/क-238/ख, 239 से 258, 260, 261 आबादी मार्ग भाग, नाला भाग, नहर भाग ।

ग्राम हेती में अर्जित किए गए प्लाट संख्या

247 से 253, 254/क-254/ख-254/ग, 255 नाला भाग

ग्राम साओंगेर में अर्जित किए गए प्लाट सं०

860 भाग, 861, 862, 863 भाग, 874 भाग, 875 भाग, 876, 877 भाग, 906 भाग, 907 भाग, 931 भाग, 932 भाग, 937 भाग, 938 से 943, 944 भाग, 945 भाग 946 से 967, 968 भाग, 969, 970 भाग, 971 भाग, 972, 1019, 1020 से 1024, 1147 से 1149 मार्ग भाग, नाला भाग ।

सीमा वर्णन

क-ख: रेखा बिन्दु क से आरंभ होती है और ग्राम सांवर्गी से होकर जाती है, नाला पार करती है और प्लाट सं० 219, 218, 225 की बाहरी सीमा के साथ-साथ जाती है क-ख-ग-घ सङ्क पार करती है, फिर सङ्क, आबादी और प्लाट सं० 16 की बाहरी सीमा के साथ-साथ ग्राम बढ़ती है, सङ्क पार करती है और प्लाट सं० 24, 23, 22, 56,

54, 51 की बाहरी सीमा के साथ-साथ जाती है, नाला पार करती है, फिर सांवरी और हैती ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ आगे बढ़ती है, फिर दुधाबर्दी से होकर जाती है, नाला पार करती है और प्लाट सं० 1 में प्रवेश करती है, फिर अंशतः प्लाट सं० 2 के साथ-साथ और अंशतः उसमें से होकर जाती है, और प्लाट सं० 3 की बाहरी सीमा के साथ-साथ जाती है, नाला पार करती है, फिर नाले के पूर्वी किनारे के साथ-साथ ग्राम हैती से होकर जाती है और प्लाट सं० 249, 247, 248, 252, 255, 254क-254ख-254ग की बाहरी सीमा के साथ-साथ जाती है, नाला पार करती है और हैती और साओनेर ग्रामों की सम्मिलित ग्राम सीमा पर बिन्दु "ख" पर मिलती है।

ख-ग: रेखा हैती और साओनेर ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है, फिर ग्राम साओनेर से होकर आगे बढ़ती है, नाला और सड़क पार करती है, और प्लाट सं० 1019 सड़क की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।

ग-थ: रेखा ग्राम साओनेर से होकर जाती है, सड़क पार करती है और प्लाट सं० 972, 971 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।

घ-झ-ज: रेखा ग्राम साओनेर से प्लाट सं० 971, 968, 970 से होकर जाती है, सड़क पार करती है, फिर प्लाट सं० 860, 863, 874, 875, 877 में से आगे बढ़ती है और बिन्दु "घ" पर मिलती है।

च-छ-ज: रेखा ग्राम साओनेर से प्लाट सं० 906, 907, 931, 932, 937, 944, 945 में से होकर जाती है, फिर ग्राम दुधाबर्दी के प्लाट सं० 29, 31 से होकर आगे बढ़ती है, प्लाट सं० 23, 22, 21, 19 में सड़क पार करती है, फिर दुधाबर्दी और सामांगी ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ आगे बढ़ती है और बिन्दु "ज" पर मिलती है।

ज-झ: रेखा ग्राम सामांगी में सड़क की बाहरी सीमा के साथ-साथ होकर जाती है और बिन्दु "झ" पर मिलती है।

झ-झ: रेखा ग्राम सामांगी में प्लाट सं० 115 से होकर जाती है, नहर पार करती है, फिर प्लाट सं० 126, 127, 129, 130, 132, 133, 139 में प्लाट सं० 116, 118, 121, 122 की बाहरी सीमा के साथ-साथ आगे बढ़ती है, फिर प्लाट सं० 140, 141 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "झ" पर मिलती है।

ज-ट: रेखा सामांगी और सेतोली ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु "ट" पर मिलती है।

ट-क: रेखा सामांगी और करटो ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं० 43015/5/97-एल० झज्यू०]
धीमती पी० एस० सैनी, अवर सचिव

New Delhi, the 12th December, 1997

S.O. 3194.—Whereas by the notification of the Government of India in the Ministry of Coal, No. S.O. 407 dated the 29th January, 1997, published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 15th February, 1997, and issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 310.75 hectares (approximately) or 767.89 acres (approximately) in Mining Rights in the locality specified in the schedule annexed to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that the mining rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 310.75 hectares (approximately) or 767.89 acres (approximately) described in the Schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that the mining rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 310.75 hectares (approximately) or 767.89 acres (approximately) described in the Schedule appended hereto are hereby acquired.

The Plan bearing number C-I(E)III/FR/620-0297 dated the 17th February, 1997, of the area covered by this notification may be inspected in the office of the Collector, Nagpur (Maharashtra) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700 001 or in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

SCHEDULE

Saoner Project Phase-I Extension (mine number-3)

Nagpur Area

District Nagpur (Maharashtra)

(Plan No. C-I(E)III/FR/620-0297 dated the 17th February, 1997)

Mining Rights

Sl. No.	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remark
1	2	3	4	5	6	7
1.	Dudhabardi	12A	Kalmeshwar	Nagpur	55.28	Part
2.	Saongi	10	Saoner	Nagpur	174.84	Part
3.	Heti	10	Saoner	Nagpur	24.78	Part
4.	Saoner	34	Saoner	Nagpur	55.85	Part
					Total Area 310.75 hectares (approximately) or 767.89 acres (approximately)	

Plot numbers acquired in village Dudhabardi :

1 Part, 2 Part, 3 to 18, 19 Part, 21 Part, 22 Part, 23 Part, 24, 25, 26/A-26/
Part, Nala Part, , 28, 29 Part, 31 Part, Road

Plot numbers acquired in village Saongi :

16 to 24, 51, 54 to 75, 115 Part, 116, 118 to 122, 126 Part, 127 Part, 128, 129 Part, 130 Part, 132 Part, 133 Part, 139 Part, 140 to 151, 152-A-152-B, 153, 154-A-154-B, 155 to 174, 175-A-175-B, 176 to 200, 201/A-201/B, 202 to 217, 218/A-218/B-218/C-218/D, 219, 225 to 233, 234/A-234/B, 235 to 237, 238/A-238/B, 239 to 258, 260, 261, Abadi, Road Part, Nala Part, Canal Part:

Plot numbers acquired in village Heti :

247 to 253, 254/A-254/B-254/C, 255, Nala Part.

Plot numbers acquired in village Saoner :

860 Part, 861, 862, 863 Part, 874 Part, 875 Part, 876, 877 Part, 906 Part, 907 Part, 931 Part, 932 Part, 937 Part, 938 to 943, 944 Part, 945 Part, 946 to 967, 968 Part, 969, 970 Part, 971 Part, 972, 1019, 1020 to 1024, 1147 to 1149, Road Part, Nala Part.

Boundary description :

A -- B

Line starts from point 'A' and passes through village Saongi, crosses nalla and passes
218

along the outer boundary of plot numbers 219, ——————, 225, crosses road,

A — B — C — D

then proceeds along the outer boundary of road, abadi and plot numbers 16, crosses road and passes along the outer boundary of plot numbers 24, 23, 22, 56, 54, 51, crosses Nala, then proceeds along the common village boundary of villages Saongi and Heti, Dudhabardi and Heti, then passes through village Dudhabardi, crosses Nala and passes in plot number 1, then proceeds partly along and partly through plot number 2, and passes along the outer boundary of plot number 3, crosses Nala, then passes through village Heti, along the eastern bank of Nala and passes along

the outer boundary of plot numbers 249, 247, 248, 252, 255, 254-A-254-B-254-C, crosses Nala, and meets on the common village boundary of villages Heti and Saoner at point 'B'.

B — C Line passes along the common village boundary of villages Heti and Saoner, then proceeds through village Saoner, crosses Nala and road, and passes along the outer boundary of plot No. 1019, road and meets at point 'C'.

C — D Line passes through village Saoner, crosses road and passes along the outer boundary of plot numbers 972, 971 and meets at point 'D'.

D — E — F Line passes through village Saoner in plot numbers 971, 968, 970, crosses road, then proceeds in plot numbers 860, 863, 874, 875, 877 and meets at point 'F'.

F — G — H Line passes through village Saoner in plot numbers 906, 907, 931, 932, 937, 944, 945, then proceeds through village Dudhabardi in plot numbers 29, 31, crosses road, in plot numbers 23, 22, 21, 19, then proceeds along the common village boundary of villages Dudhabardi and Saoner and meets at point "HJ".

H — I Line passes through village Saongi along the outer boundary of road and meets at point 'I'.

I — J Line passes through village Saongi in plot number 115, crosses canal, then proceeds along the outer boundary of plot numbers 116, 118, 121, 122 in plot numbers 126, 127, 129, 130, 132, 133, 139 and passes along the outer boundary of plot numbers 140, 141 and meets at point 'J'.

J — K Line passes along the common Village boundary of villages Saongi and Sonoli and meets at point 'K'.

K — A Line passes along the common village boundary of villages Saongi and Kamptee and meets at starting point 'A'.

[No. 43015/5/96-LSW]

Mrs. P. L. SAINI, Under Secy.

गुद्धि पत्र

नई दिल्ली, 15 दिसम्बर, 1997

का.आ. 3195.—भारत के राजपत्र, तारीख 20 सितम्बर, 1997 के भाग-II, खंड-3, उपखंड (ii) में पृष्ठ संख्या 4426 से 4430 पर प्रकाशित भारत सरकार, कोयला अंशकालिक विभाग की अधिसूचना का.आ. सं. 2301 तारीख 10 सितम्बर, 1997 में :—

पृष्ठ क्रमांक 4426 अधिसूचना में,

पंक्ति 9, "105 हैट्टर" के स्थान पर "105. 267 हैट्टर" पढ़ें।

पंक्ति 7, "उक्त अधिनियम" के स्थान पर "उक्त अधिनियम" पढ़ें।

पृष्ठ क्रमांक 4427,

पंक्ति 1; "प्रतिकार में हित" के स्थान पर "प्रतिकर में हित" पढ़ें।

अनुसूची "क" में,

"जोवगा भूमिगत परियोजना" के स्थान पर "जोवगा भूमिगत परियोजना" पढ़ें।

"(रेखांक सं. एस ई सी एल/जी एम (पी एल जी), संड/86" के स्थान पर "(रेखांक सं. एस ई सी एल. /जी. एम. (पी.एल. जी.) संड/186" पढ़ें।

पृष्ठ क्रमांक 4428, तालिका में, क्षेत्र हेक्टर में स्तम्भ के नीचे, क्रम संख्या 1, "83. 599" के स्थान पर "83. 590" पढ़ें।

पृष्ठ क्रमांक 4429, ग्राम सपकरा में अर्जित किए जाने वाले प्लांट सं. (भाग) में,

पंक्ति 2, "80) से 825, (826 (भाग)," के स्थान पर "808 से 825, 826 (भाग)" पढ़ें।

"4. ग्राम जोवगा" के स्थान पर "4. ग्राम जोवगा" पढ़ें।

"5. ग्राम गोतरा" के स्थान पर "5. ग्राम गोतरा" पढ़ें।

[का. सं. 43015/16/96-एस डब्ल्यू]
श्रीमती: पी. एल. सैनी, प्रबंध सचिव

CORRIGENDA

New Delhi, the 15th December, 1997

S.O. 3195.—In the Notification of the Government of India in the Ministry of Coal Number S.O. 2301, dated the 10th September, 1997 published at pages 4430 to 4434 of the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated the 20th September, 1997 :—

1. At page 4430 :—

in line 10, for "260.11 acres" read "260.11 acres".

2. At page 4431 :—

(a) in line 1, for "min....is" read minerals.

(b) in Explanation :—

in line 2, for "to undertake mining" read to "undertake mining".

(c) in section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, as reproduced, in sub-section (2) ;

(i) in line 5, for "over such and or" read "over such land or".

(ii) in line 6, for "oversuch and to" read "over such land to".

(iii) in line 7, for "the proceeding held" read "the proceeding held".

3. At page 4433 .—

under the heading "Plot Numbers to be acquired in village Jobga (Part)" :—

(i) in line 2, for "414(Part), 442(Part)", read "441 (Part), 442 (Part)".

(ii) in line 4, for "476 to 709" read "647 to 709".

4. At page 4434 :—

under the heading "Boundary description",

under sub-heading "G-H", in line 1, for "1077, 1022" read "1022".

[No. 43015/16/96-LSW]
P. L. SAINI, Under Secy.

शुद्धि पत्र

नई दिल्ली, 15 दिसम्बर, 1997

का० आ० 3196.—भारत के ग्रामपाल, तारीख 2 अगस्त 1996 के भाग-2, खंड-3, उपखंड (ii) में पृष्ठ 1 से 3 पर प्रमाणित, भारत सरकार, कोयला मंत्रालय की अधिसूचना का०आ० 550(अ), तारीख 2 अगस्त, 1996 में :—
पृष्ठ संख्यांक 2 में :—

(1) अनुसूची "क" में

(क) "रेखांक सं सी-1 (ई) III एफ. एफ० आर०/66/0696", के स्थान पर "रेखांक सं सी-1 (ई) III एफ० एफ० आर०/606/0696 पढ़िए।

(ख) अनुसूची "क" में क्रम संख्यांक 3 के स्थान पर "93.078" के स्थान पर "98.078" पढ़िए।

(2) अनुसूची "ख" में "226 हैक्टेयर" के स्थान पर "226.000 हैक्टेयर" पढ़िए।

(3) मध्य प्रदेश सरकार के शासीर प्रारक्षित वन में अंजित किए जाने वाले कम्पार्टमेंट संख्या : 396 भाग, 397 भाग, 398 भाग, 400 भाग के नीचे की पंक्ति में निम्नलिखित पढ़िए :—

मध्य प्रदेश सरकार के पुनर्वासि विभाग में अंजित किये जाने वाले कम्पार्टमेंट संख्या :— 397 भाग, 400 भाग" पढ़िए।

(4) पृष्ठ क्रमांक 3 पर सीमा वर्णन में रेखा ख-ग में "और "ख" बिन्दु पर मिलती है" के स्थान पर "और "ग" बिन्दु पर मिलती है" पढ़िए।

[सं० 43015/22/91-एल० एस० इल्यू०]
श्रीमती पी. एल. सीनी, अवार सचिव

CORRIGENDA

New Delhi, the 15th December, 1997

S.O. 3196.—In the Notification of the Government of India in the Ministry of Coal number S.O. 550(E) dated the 2nd August, 1996 published at pages 1 to 5 of the Extraordinary Gazette of India, Part-II Section 3, Sub-section (ii) dated the 2nd August, 1996 :—

1. At page 3, (i) the notification in paragraph 1, in line 4 for "753.253 hectares (approximately)" read "753.253 hectares (approximately) or 1861.28 acres (approximately)";

(ii) in section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, as reproduced, in sub-section (3), in lines 1 and 2 for "to claim an interested in land who would be entitled to claim an interest in compensation" read "to claim an interest in compensation".

2. At page 4, in Schedule "B" under the column heading "Area in hectares", in the total for "588.446 acres" read "558.446 acres".

[No. 43015/22/91-LSW]
Mrs. P. L. SAINI, Under Secy.

नई दिल्ली, 15 दिसंबर, 1997

का.आ. 3197.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन जारी आए भारत के गज़पत्र दिनांक 12 अप्रैल, 1997 के भाग-II खंड-3, उपखंड (ii) पृष्ठ संख्यांक 2041 से 2047 पर प्रकाशित भारत सरकार कोक्का मंवान्य की अधिसूचना का.आ. 970 दिनांक 27 मार्च, 1997 द्वारा हस्तानकना से संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के अपने प्राण्य की सूचना दी थी;

ओर केन्द्रीय सरकार की जानकारी में यह बात लाई गई कि राजपत्र में प्रकाशित उपरोक्त अधिसूचना में गलती की कुछ गलतियाँ हैं।

अतः यदि केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त सक्षम बनाने वाली अन्य सभी शक्तियों का प्रयोग करने होए उक्त अधिसूचना में संलग्न अनुसूची में निम्नलिखित संशोधन करनी हैं :—

पृष्ठ संख्यांक 2042 पर —

- (1) टिप्पण 1 :—में “रेखांक सं ‘शो एल सी-1 (ई)’” के स्थान पर “रेखांक सं सी-1 (ई)” पढ़िये। और “कोला नियंत्रण 11,” के स्थान पर “कोयला नियंत्रक, 1,” पढ़िए। और “कोयल इस्टेट” के स्थान पर “कोल इस्टेट” पढ़िए। और “44001” के स्थान पर “440001” पढ़िए।

अनुसूची “क” में

- (2) ऋम संख्या 1 और 2 में तहसील स्तरम् के तीके “गज़पत्र” के स्थान पर “गज़ग” पढ़िए।

पृष्ठ संख्यांक 2043 पर —

- (1) अनुसूची “क” में ग्राम साकरी में अर्जित किये जाने वाले प्लाट संख्यांक में “204/1-204/2-204/3-204/4 2045-204/6” के स्थान पर “204/1-204/2-204/3-204/4-204/5-204/6” पढ़िए।
- (2) अनुसूची “क” में ऋम संख्या 3 में पटवारी मर्किल संख्यांक स्तरम् में “2” के स्थान पर “3” पढ़िए।

पृष्ठ संख्यांक 2044 पर

- (1) ग्राम साकरी में अर्जित किये जाने वाले प्लाट संख्यांक में “202/1-202/2-203/3/3-202/4” के स्थान पर “202/1-202/2-202/3-202/4” पढ़िए।
- (2) ग्राम पौनी में अर्जित किये जाने वाले प्लाट संख्यांक में “बाला भाग” के स्थान पर “नाला भाग” पढ़िए।

(3) ग्राम फिर्ताना (झुंड) में अर्जित किये जाने वाले प्लाट संख्यांक में “37/37/2 भाग” के स्थान पर “37/1-37/2 भाग” पढ़िये। गीमा वर्णन में—

(4) रेखा “कम्ब” में “183/1-82/1-182/2” के स्थान पर “183,182/1-182/2” पढ़िय।

ऐसे भूमि में जिसकी बाबा उपरोक्त संशोधन जारी किया गया है, हिन्दू राई व्यक्ति इस अधिसूचना के जारी किये जाने के तीस दिन के भीतर उक्त भूमि के संपूर्ण या किसी भाग में उक्त ऐसी भूमि से या उस पर किसी अधिकारी के अर्जित किये जाने के विषद् उक्त अधिनियम की धारा 8 की उपधारा (1) के निवेदनों के अनुसार आक्षेप कर मांगा।

प्रार्थनारूप :—

केवल इस अधिसूचना के द्वारा संशोधित प्लाट संख्यांकों की बाबा उक्त अधिनियम की धारा 8(1) के निवेदनों के अनुसार तीस दिन की उक्त अवधि इस अधिसूचना के राजपत्र में प्रकाशित किये जाने की तारीख से श्रावण्मध्य होगी।

[मं० 43015/24/95-एल-एम-डब्ल्यू]
श्रीमती पी.एल. भैनी, अवर मन्त्रिव

New Delhi, the 15th December, 1997

S.O. 3197.—Whereas by the notification of the Government of India in the Ministry of Coal number S. O. 970 dated the 27th March, 1997, published in the Gazette of India, Part-II, Section 3, sub-section (ii) dated the 12th April, 1997 at page 2041 to 2047, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government gave notice of its intention to acquire the lands described in the Schedule appended to that notification ;

And whereas it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Official Gazette ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby amends the schedule appended to the said notification as follows :—

1. At page-2046,—

(a) Under the heading “Plot numbers to be acquired in village Paoni”,

in lines 1 and 2, for "151|1-251|2-151|3" read "151|1-151|2-151|3";

(b) in Schedule 'B', in the table, against S. No. 3, for the entry in column Patwari Circle Number, for "2" read "3".

2. At page-2047,—

Under the heading "Boundary description".—(a) under sub-heading "B-C", in line 1, for "commo" read "common";

(b) under sub-heading "F-G", in line 3, for 131|1-131|2, 132|3" read "131|1-131|2-131|3" and for "ROZD znd" read "Road and".

Any persons interested in any land in respect of which the above amendment has been issued, may, within thirty days of the issue of

this notification, object to the acquisition of the whole or any part of the said land, or any rights in or over such lands in terms of sub-section (1) of Section 8 of the said Act.

The Coal Controller, 1, Council House Street, Calcutta has been declared by the Central Government as the competent authority vide notification number S.O. 2519 dated the 27th May 1983, published in the Gazette of India, dated the 11th June, 1983 at pages 2446 to 2450.

Explanation : In respect of plot numbers amended through this notification only, the said period of thirty days in terms of sub-section (1) of section 8 of the said Act, starts running from the date of publication of this notification in the Gazette of India.

[No. 43015|24|95-LSW]

Mrs. P. L. SAINI, Under Secy.

भारत दिल्ली, 17 दिसम्बर, 1997

फा०प्रा० 3198.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाधार मनुसूची में उल्लिखित भूमि में कोयला अधिप्राप्त किए जाने की संभावना है,

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आवश्यकी सूचना देती है,

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं० ई सी एल/आर०जे०एम०एल०/जी०एम०एल०/63 तारीख 20 जुलाई, 1996 का निरीक्षण उपायुक्त जिला गोडा (बिहार) के कार्यालय में या कोयला नियंत्रक, 1 काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या निदेशक तकनीकी (पश्चिम प्रभाग) ईस्टर्न कोलकाल्डस लिमिटेड, सेक्टोरिया डाकघर-दिगोरगढ़ (जिला बर्द्वान) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्विष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर निदेशक तकनीकी (पश्चिम प्रभाग) ईस्टर्न कोलकाल्डस लिमिटेड, सेक्टोरिया, डाकघर-दिगोरगढ़ जिला बर्द्वान (पश्चिमी बंगाल) को भेजेंगे।

अनुसूची

राजमहल कोयला क्षेत्र

रेखांक नं. ३१९८, ई सी एल/आर०जे०एम०एल०/जी०एम०एल०/63, तारीख 20 जुलाई, 1996

(पूर्वेक्षण के लिए अधिसूचित भूमि वर्णित करते हुए)

खंड-क

क्रम	मौजा ग्राम	आना संख्या	पुलिस बाजार	जिला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1. छोटा सिमरा		34	वी डब्ल्यू सिमरा-1 गोडा		26.09	भाग कुल 26.09 (लगभग)

स्त्रीमा वर्णन

क१-क२ रेखा, छोटा सिमरा मौजा सं० 34 के प्लाट संख्या 103, 112, 113, 118, 119 की वक्षिणी रेखा से होते हुए जाती है, प्लाट सं० 133, 134, 141, 140 से होते हुए जाती है प्लाट सं० 161 की वक्षिणी रेखा से होते हुए जाती है, प्लाट सं० 165 की पश्चिमी और वक्षिणी रेखा से होते हुए जाती है प्लाट सं० 166, 169 से रेखा होते हुए जाती है, प्लाट सं० 170 की पश्चिमी और वक्षिणी रेखा और पूर्वी रेखा से होते हुए जाती है, प्लाट सं० 172, 173, 176, 177 और 180 की वक्षिणी रेखा से होते हुए जाती है और “क २” बिन्दु पर मिलती है।

क२-क३ रेखा, छोटा सिमरा मौजा के प्लाट सं० 198 से होते हुए जाती है, रेखा प्लाट सं० 198, 693 की पश्चिमी रेखा के साथ जाती है और “क ३” बिन्दु पर मिलती है।

क३-क४-क५ रेखा, छोटा सिमरा मौजा सं० 34 के प्लाट सं० 659 की उत्तरी रेखा से जाती है, रेखा प्लाट सं० 657 से होते हुए जाती है, रेखा प्लाट सं० 656 का उत्तरी रेखा के साथ जाती है और “क ५” पर मिलती है।

क५-क६ रेखा, छोटा सिमरा मौजा सं० 34 के प्लाट सं० 656 की पूर्वी रेखा से होते हुए जाती है, रेखा प्लाट सं० 658 से होते हुए जाती है, प्लाट सं० 644, 64 के पूर्वी रेखा से होते हुए जाती है, रेखा प्लाट सं० 647, 648 से होते हुए जाती है, प्लाट सं० 226, 224, 223 की पूर्वी रेखा के साथ जाती है और “क ६” बिन्दु पर मिलती है।

क६-क७ रेखा, छोटा सिमरा मौजा सं० 34 के प्लाट सं० 223, 231, 236 की उत्तरी रेखा के साथ जाती है, प्लाट सं० 242 की पूर्वी और उत्तरी रेखा के साथ जाती है, प्लाट सं० 246 की उत्तरी पश्चिमी रेखा से होते हुए जाती है, प्लाट सं० 258, 270, 274, 284, 297 की उत्तरी रेखा से होते हुए जाती है, प्लाट सं० 296 की उत्तरी पश्चिमी रेखा से होते हुए जाती है प्लाट से 309 की उत्तरी पूर्वी रेखा के साथ जाती है और “क ७” बिन्दु पर मिलती है।

क७-क१ रेखा, छोटा सिमरा मौजा सं० 34 के प्लाट सं० 320, 326 की पूर्वी रेखा से होते हुए जाती है, प्लाट सं० 198 से होते हुए जाती है, रेखा प्लाट सं० 107, 108 की पूर्वी रेखा के साथ जाती है और “क” बिन्दु पर मिलती है।

३५

क्रम संख्या	मौजा (ग्राम)	वाना संख्या	पुलिस स्टेशन (वाना)	ज़िला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1.	छोटा सिमरा	34	बी.०डल्य. सिमरा II	गोदा	0.39	भाज
					कुल 0.39	एकड़ (लगभग)

सीमा वर्णन

ख 1-ख 2 रेखा, छोटा सिमरा मौजा के प्लाट सं० 361 के साथ जाती है और “ख 2” बिन्दु पर मिलती है ।

ख 2-ख 3 रेखा, छोटा सिमरा मौजा सं० 34 के प्लाट सं० 364 की पश्चिमी रेखा के साथ जाती है और “ख 3” बिन्दु पर मिलती है ।

ख 3-ख 4 रेखा, छोटा सिमरा मौजा सं० 34 के प्लाट सं० 368, 369 की उत्तरी रेखा के साथ जाती है और “ख 4” बिन्दु पर मिलती है ।

ख 4-ख 1 रेखा, छोटा सिमरा मौजा सं० 34 के प्लाट सं० 371 की पूर्वी रेखा के साथ जाती है और “ख 1” बिन्दु पर मिलती है ।

खंडग

क्रम सं०	मौजा (ग्राम)	धाना संख्या	पुलिस स्टेशन (धाना)	जिला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1.	धनकुडा	697	महारामा	गोडा	0.53	आग
2.	तेतारिया	709	महारामा	गोडा	3.99	आग
			टिप्पणी		4.52	(लगभग)

सीमा वर्णन

ग1—ग2 रेखा, तेतारिया मौजा सं० 709 के प्लाट सं० 18 की दक्षिणी रेखा में होते हुए जाती है, रेखा प्लाट सं० 17 की दक्षिणी और पूर्वी रेखा से होते हुए जाती है, प्लाट सं० 16 की पूर्वी से होते हुए जाती है, प्लाट सं० 44 से होकर जाती है और "ग 2" बिन्दु पर मिलती है।

ग2—ग3—ग4 रेखा, तेतारिया मौजा सं० 709 के प्लाट सं० 41 से होते हुए जाती है, रेखा प्लाट सं० 40, 38 की पश्चिमी रेखा में जाती है प्लाट सं० 37, 36 की उत्तरी रेखा के साथ जाती है और "ग 4" बिन्दु पर मिलती है।

ग4—ग5 रेखा, प्लाट सं० 31, 30 की पश्चिमी रेखा से होते हुए जाती है, रेखा प्लाट सं० 32 की पश्चिमी ओर दक्षिणी रेखा में होते हुए जाती है रेखा प्लाट सं० 33 की पश्चिमी रेखा के साथ जाती है और "ग 5" बिन्दु पर मिलती है।

ग5—ग6 रेखा, तेतारिया मौजा सं० 709 के प्लाट सं० 68, प्लाट सं० 69 की उत्तरी रेखा के साथ जाती है, रेखा तेतारिया मौजा सं० 709 मौजा धनकुदा सं० 697 की संयुक्त सीमा रेखा से होकर जाती है और "ग 6" बिन्दु पर मिलती है।

ग6—ग7 रेखा, धनकुड़ा मौजा सं० 697 के प्लाट सं० 11, 13 की पश्चिमी रेखा के साथ जाती है और "ग 7" बिन्दु पर मिलती है।

ग7—ग8 रेखा, धनकुड़ा मौजा सं० 697 के प्लाट सं० 22 की उत्तरी रेखा से होते हुए जाती है और "ग 8" बिन्दु पर मिलती है।

ग8—ग9 रेखा धनकुड़ा मौजा सं० 697 और तेतारिया सं० 709 के प्लाट सं० 4, 8 की पूर्वी रेखा में होते हुए जाती है और धनकुड़ा मौजा सं० 697 कुशमाहा मंथा 708 और तेतारिया सं० 709 की निराहा सीमा रेखा के बिन्दु—"ग 9" पर मिलती है।

ग9—ग1 रेखा, कुशमाहा मौजा सं० 708 और तेतारिया सं० 709 की संयुक्त सीमा रेखा से होते हुए जाती है, रेखा तेतारिया मौजा सं० 709 के प्लाट सं० 27, 25 की दक्षिणी और पूर्वी रेखा से होते हुए जाती है और "ग 1" बिन्दु पर मिलती है।

खण्ड—घ

क्रम सं०	मौजा (ग्राम)	थाना सं०	पुनिस्तेशन (थाना)	जिला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1.	महागामा	700	महागामा	गोड़ा	2. 38	भाग योग 2. 38 एकड़ (लगभग)

सीमा वर्णन

घ1—घ2 रेखा महागामा मौजा सं० 700 के प्लाट सं० 1174, 1175 की दक्षिणी रेखा के साथ जाती है और "घ 2" बिन्दु पर मिलती है।

घ2—घ3 रेखा, महागामा मौजा सं० 700 के प्लाट सं० 1176 की पश्चिमी रेखा के साथ जाती है और "घ 3" बिन्दु पर मिलती है।

घ3—घ4 रेखा, महागामा मौजा सं० 700 के प्लाट सं० 1172 की उत्तरी रेखा के साथ जाती है और "घ 4" बिन्दु बिन्दु पर मिलती है।

घ4—घ1 रेखा, महागामा मौजा सं० 700 के प्लाट सं० 1219 की पूर्वी रेखा से होते हुए जाती है और "घ 1" बिन्दु पर मिलती है।

खण्ड—इ

क्रम सं०	मौजा (ग्राम)	थाना सं०	पुनिम स्टेशन (थाना)	जिला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1.	धनकुड़ा	697	महागामा	गोड़ा	0. 20	—
2.	बालिया कुर्सामिल्कटा	712	गहागामा	गोड़ा	0. 85	—

योग 1.05 एकड़ (लगभग)

सीमा वर्णन

छ 1—छ 2 रेखा धनकुड़ा मौजा सं० 697 के प्लाट सं० 114 की दक्षिणी रेखा से होते हुए जाती है धनकुड़ा मौजा सं० 697 और बलिकुरमिक्टा सं० 712 की संयुक्त सीमा रेखा के साथ जाती है बलिकुरमिक्टा मौजा सं० प्लाट सं० 52 की पश्चिमी ओर उत्तरी रेखा से होते हुए जाती है और “छ”2 बिन्दु पर मिलती है।

छ 2—छ 3 रेखा बलिकुरमिक्टा मौजा के प्लाट सं० 47, 46, 44, 43, की पश्चिमी रेखा के साथ जाती है।

छ 3—छ 4 रेखा, बलिकुरमिक्टा मौजा सं० 712 के प्लाट सं० 38 की उत्तरी रेखा से होते हुए जाती है, प्लाट सं० 37 की उत्तरी रेखा से होते हुए जाती है, प्लाट सं० 36 की पूर्वी ओर उत्तरी रेखा से होते हुए जाती है, प्लाट सं० 12 की पूर्वी रेखा के साथ जाती है और “छ”4 बिन्दु पर मिलती है।

छ 4—छ 5 रेखा, बलिकुरमिक्टा मौजा सं० 712 के प्लाट सं० 12 की उत्तरी और पूर्वी रेखा के साथ जाती है, रेखा धनकुड़ा मौजा सं० 697 की ओर बलियाकुरमिक्टा सं० 712 के प्लाट सं० 12 की उत्तरी और पूर्वी रेखा के साथ जाती है, रेखा, धनकुड़ा मौजा सं० 697 की ओर बलियाकुरमिक्टा सं० 12 की संयुक्त सीमा रेखा के साथ जाती है और मौजा बलिकुरमिक्टा सं० 712, धनकुड़ा सं० 597 और झर्नाविद्वन्त सं० 696 की निराहा सीमा रेखा पर “छ”5 बिन्दु पर मिलती है।

छ 5—छ 1 रेखा धनकुड़ा मौजा सं० 697 के प्लाट सं० 132 की पूर्वी रेखा से जाती है और “छ”1 बिन्दु पर मिलती है।

खंड—च

क्रम सं०	मौजा (ग्राम)	थाना सं०	पुलिम स्टेशन (थाना)	जिला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1.	बलियाकुरमिक्टा	712	महागामा	गोड़ा	1. 25	भाग

योग : 1. 25 एकड़ (लगभग)

सीमा वर्णन

च 1—च 2 रेखा, मौजा बलियाकुरमिक्टा के प्लाट नं० 115, 113 की दक्षिणी रेखा के साथ जाती है और “च”2 बिन्दु पर मिलती है।

च 2—च 3 रेखा, बलियाकुरमिक्टा मौजा सं० 712 के प्लाट सं० 112 की पश्चिमी रेखा से होते हुए जाती है, रेखा बलिकुरमिक्टा मौजा सं० 712, बियाडीह सं० 713 की संयुक्त सीमा रेखा से होते हुए जाती है और “च”3 बिन्दु पर मिलती है।

च 3—च 4 रेखा, बलियाकुरमिक्टा मौजा सं० 712 के प्लाट सं० 118 की उत्तरी ओर पश्चिमी रेखा से होते हुए जाती है और “च” बिन्दु पर मिलती है।

च 4—च 1 रेखा, बलियाकुरमिक्टा मौजा सं० 712 के प्लाट सं० 125, 126, 98 की पूर्वी रेखा के साथ जाती है और “च”1 बिन्दु पर मिलती है।

खंड—छ

क्रम सं०	मौजा (ग्राम)	थाना सं०	पुलिम स्टेशन (थाना)	जिला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1.	महागामा	700	महागामा	गोड़ा	2. 41	—

योग : 2. 41 एकड़ (लगभग)

सीमा वर्णन

छ 1—छ 2 रेखा, महागामा मौजा सं० 700 के प्लाट नं० 1218 की दक्षिणी रेखा से होते हुए जाती है, प्लाट सं० 1218 से होते हुए जाती है, रेखा प्लाट सं० 1162 की पश्चिमी ओर दक्षिणी रेखा से होते हुए जाती है और “छ” बिन्दु पर मिलती है।

छ 2—छ 3 रेखा, महागामा मौजा सं० 700 के प्लाट सं० 1166 की पश्चिमी रेखा से होते हुए जाती है, प्लाट सं० 1165 की पश्चिमी ओर दक्षिणी रेखा होते हुए जाती है, रेखा प्लाट सं० 1169 की दक्षिणी रेखा के साथ जाती है और “छ” बिन्दु पर मिलती है।

छ3—छ4 रेखा, महागामा मौजा सं० 700 के प्लाट सं० 1189 की उत्तरी ओर पश्चिमी रेखा से होते हुए जाती है, रेखा प्लाट सं० 1190 की उत्तरी रेखा के साथ जाती है और बिन्दु “छ” 4 पर मिलती है।

छ4—छ1 रेखा, महागामा मौजा सं० 700 के प्लाट सं० 1109, 1111 की पूर्वी रेखा से होते हुए जाती है, रेखा प्लाट सं० 112 की पूर्वी ओर उत्तरी रेखा से होते हुए जाती है, ऐसा प्लाट सं० 1113 की पूर्वी रेखा से होते हुए जाती है, रेखा प्लाट सं० 1114 की उत्तरी रेखा के साथ जाती है और “छ1” बिन्दु पर मिलती है।

खंड ज

क्रमसं०	मौजा (ग्राम)	थाना सं०	पुलिस स्टेशन (थाना)	ज़िला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1.	बसुआ	692	महागामा	गोड्डा	2. 01	भाग

योग : 2. 01 एकड़ (लगभग)

सीमा वर्णन

ज1—ज2 रेखा, बसुआ मौजा सं० 692 के प्लाट सं० 32/149 से होते हुए जाती है और “ज2” बिन्दु पर मिलती है।

ज2—ज3 रेखा, बसुआ मौजा सं० 692 के प्लाट सं० 32/149 से होते हुए जाती है और “ज3” बिन्दु पर मिलती है।

ज3—ज4 रेखा बसुआ मौजा सं० 692 के प्लाट सं० 32/152 से होते हुए जाती है और “ज4” बिन्दु पर मिलती है।

ज4—ज5 रेखा, बसुआ मौजा सं० 692 के प्लाट सं० 32/159 की पूर्वी तरफ से जाती है, प्लाट सं० 32/153 की पूर्वी ओर उत्तरी रेखा के साथ जाती है और “ज5” बिन्दु पर मिलती है।

ज5—ज1 रेखा, बसुआ मौजा सं० 692 और मुरलीटोक सं० 691 की संयुक्त सीमा रेखा के साथ जाती है और “ज1” बिन्दु पर मिलती है।

खंड क

क्रम सं०	मौजा (ग्राम)	थाना सं०	पुलिस स्टेशन (थाना)	ज़िला	एकड़ में क्षेत्र (लगभग)	टिप्पणी
1.	बसुआ	692	महागामा	गोड्डा	0. 74	भाग

योग 0. 74 एकड़ (लगभग)

कुल योग (खंड क-1) 40. 84 एकड़ (लगभग)

या

16. 53 हेक्टर (लगभग)

सीमा वर्णन

झ1—झ2 रेखा, बसुआ मौजा सं० 692 के प्लाट सं० 32/155 की दक्षिणी ओर पूर्वी रेखा से होते हुए जाती है और “झ2” बिन्दु पर मिलती है।

झ2—झ3 रेखा, बसुआ मौजा सं० 692 के प्लाट सं० 32/154 की पश्चिमी रेखा के साथ जाती है और “झ3” बिन्दु पर मिलती है।

झ3—झ4 रेखा, बसुआ मौजा सं० 692 के प्लाट सं० 32/154 की उत्तरी रेखा के साथ जाती है और “झ4” बिन्दु पर मिलती है।

झ4—झ1 रेखा बसुआ मौजा सं० 692 के प्लाट सं० 32/154 की पूर्वी रेखा के साथ जाती है और “झ1” बिन्दु पर मिलती है।

New Delhi, the 17th December, 1997

S.O. 3198.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed :

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957);, (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan (Drawing No. ECL/RJML/GM/IA/63 dated 20th July, 1996) of the area covered by this notification can be inspected in the Office of the Deputy Commissioner, District Godda (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta 700 001 or in the Office of the Director Technical (West Division) Eastern Coalfields Limited, Santoraria, Post Office : Dishergarh, District : Burdwan (West Bengal).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Director Technical (West Division) Eastern Coalfields Limited, Santoraria, Post Office : Dishergarh, District Burdwan (West Bengal) within ninety days from the date of the publication of this notification in the official Gazette.

SCHEDULE

RAJMAHAL COALFIELDS

Drawing No. ECL/RJML/GM/IA/63, dated the 20th July, 1996

(Showing land notified for prospecting)

Block 'A'

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in Acres (approximately)	Remarks
1.	Chhota Simra	34	BW Simra-I	Godda	26.09	Part
Total :						26.09 acres (approximately)

Boundary Description :

A1 — A2

Line passes through southern line of plot No. 103, 112, 113, 118, 119, of mouza Chhot Simra No. 34, passes through plot No. 133, 134, 141, 140, passes through southern line of plot No. 161, passes through western and southern line of plot No. 165, passes through line of plot No. 166, 169, passes through western and southern line and eastern line of plot No. 170, passes alongwith southern line of plot No. 172, 173, 176, 177 and 180 and meets at 'A2'.

A2 — A3

Line passes through plot No. 198 of mouza Chhota Simra, line passes alongwith western line of plot No. 198, 693 and meets at 'A3'.

A3 — A4 — A5

Line passes through northern line of plot No. 659 of mouza Chhota Simra No. 34, line passes through plot No. 657, line passes alongwith northern line of plot No. 656 and meets at 'A5'.

A5 — A6

Line passes through eastern line of plot No. 656 of mouza Chhota Simra No. 34, line passes through plot No. 652, passes through eastern line of plot No. 644, 645, line passes through plot No. 647, 648, passes alongwith eastern line of plot No. 226, 224, 223 and meets at point 'A6'.

A6 — A7

Line passes through northern line of plot No. 223, 231, 236 of mouza Chhota Simra No. 34, passes through eastern and northern line of plot No. 242, passes through northern western line of plot No. 246, line passes through northern line of plot No. 258, 270, 274, 284, 297, passes through northern western line of plot No. 296, passes alongwith northern eastern line of plot No. 309 and meets at point 'A7'.

A7 — A1

Line passes through eastern line of plot No. 320, 326 of mouza Chhota Simra No. 34, passes through plot No. 198, line passes alongwith eastern line of plot No. 107, 108 and meets at point 'A1'.

Block 'B'

Sl. No.	Mouza (Village)	Thana Number	Police Station (Thana)	District	Area in Acres (approximately)	Remarks
1.	Chhota Simra	34	BW Simra-I	Godda	0.39	Part
				Total :	0.39 acres (approximately)	

Boundary Description :

B1 -- B2 Line passes alongwith plot No. 361 of mouza Chhota Simra and meets at 'B2'.

B2 -- B3 Line passes alongwith western line of plot No. 364 of mouza Chhota Simra No. 34 and meets at 'B3'.

B3 -- B4 Line passes alongwith northern line of plot No. 368, 369 of mouza Chhota Simra No. 34 and meets at 'B4'.

B4 -- B1 Line passes alongwith eastern line of plot No. 371 of mouza Chhota Simra No. 34 and meets at 'B1'.

Block 'C'

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in Acres (approximately)	Remarks
1.	Dhankunda	697	Mahagama	Godda	0.53	Part
2.	Tetaria	709	Mahagama	Godda	3.99	Part
				Total :	4.52 acres (approximately)	

Boundary Description :

C1 -- C2 Line passes through southern line of plot No. 18 of mouza Tetaria No. 709, line passes through southern and eastern line of plot No. 17, passes through eastern line of plot No. 16, passes through plot No. 44 and meets at 'C2'.

C2 -- C3 -- C4 Line passes through plot No. 41 of mouza Tetaria No. 709, line passes through western line of plot No. 40, 38, passes alongwith western line of plot No. 37, 36 and meets at point 'C4'.

C4 -- C5 Line passes through western line of plot No. 31, 30, line passes through western and southern line of plot No. 32, line passes alongwith western line of plot No. 33 and meets at point 'C5'.

C5 -- C6 Line passes alongwith northern line of plot No. 68, 69 of mouza Tetaria No. 709, line passes through joint boundary line of mouza Tetaria No. 709, mouza Dhankunda No. 697 and meets at point 'C6'.

C6 -- C7 Line passes alongwith western line of plot No. 11, 13 of mouza Dhankunda No. 697 and meets at 'C7'.

C7 -- C8 Line passes through northern line of plot No. 22 of mouza Dhankunda No. 697 and meets at point 'C8'.

C8 -- C9 Line passes through eastern line of plot No. 4, 8 of mouza Dhankunda No. 697 and Tetaria No. 709 and meets at point 'C9' trio boundary line of mouza Dhankunda No. 697, Kushmaha No. 708 and Tetaria No. 709.

C9 -- C1 Line passes through joint boundary line of mouza Kushmaha No. 708 and Tetaria No. 709, line passes through southern and eastern line of plot No. 27, 25 of mouza Tetaria No. 709 and meets at point 'C1'.

Block 'D'

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in Acres (approximately)	Remarks
1.	Mahagama	700	Mahagama	Godda	2.38	Part
Total :						2.38 acres (approximately)

Boundary Description :

D1 — D2 Line passes alongwith southern line of plot Nos. 1174, 1175 of mouza Mahagama No. 700 and meets at point 'D2'.

D2 — D3 Line passes alongwith western line of plot No. 1176 of mouza Mahagama No. 700 and meets at point 'D3'.

D3 — D4 Line passes alongwith northern line of plot No. 1172 of mouza Mahagama No. 700 and meets at point 'D4'.

D4 — D1 Line passes through eastern line of plot No. 1219 of mouza Mahagama No. 700 and meets at point 'D1'.

Block 'E' :

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in Acres (approximately)	Remarks
1.	Dhankunda	697	Mahagama	Godda	0.20	
2.	Balia Kurumikitta	712	Mahagama	Godda	0.85	
Total :						1.05 acres (approximately)

Boundary Description :

E1 — E2 Line passes through southern line of plot No. 114 of mouza Dhankunda No. 697, passes alongwith joint boundary line of mouza Dhankunda No. 697 and Balia Kurumikitta No. 712, passes through western and northern line of plot No. 52 of mouza Balia Kurumikitta No. 712 and meets at point 'E2'.

E2 — E3 Line passes alongwith western line of plot Nos. 47, 46, 44, 43 of mouza Balia Kurumikitta and meets at point 'E3'.

E3 — E4 Line passes through northern line of plot No. 38 of mouza Balia Kurumikitta No. 712, passes through eastern line of plot No. 37, passes through eastern and northern line of plot No. 36, passes alongwith eastern line of plot No. 12 and meets at point 'E4'.

E4 — E5 Line passes alongwith northern and eastern line of plot No. 12 of mouza Balia Kurumikitta No. 712, line passes alongwith joint boundary line of mouza Dhankunda No. 697 and Balia Kurumikitta No. 712 and meets at trio boundary line of mouza Balia Kurumikitta No. 712, Dhankunda No. 697 and Jharnakatta No. 696 at point 'E5'.

E5 — E1 Line passes eastern line of plot No. 132 of mouza Dhankunda No. 697 and meets at 'E1'.

Block 'F' :

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in acres (approximately)	Remarks
1.	Balia Kurmikitta	712	Mahagama	Godda	1.25	Part
				Total	1.25 acres (approximately)	

Boundary Description :

F1 — F2 Line passes alongwith southern line of plot Nos. 115, 113 of mouza BaliaKurmikitta and meets at 'F2'.

F2 — F3 Line passes through western line of plot No. 112 of mouza BaliaKurmikitta No. 712, line passes through joint boundary line of mouza Baliakurmikitta No. 712, Rabiadih No. 713 and meets at point 'F3'.

F3 — F4 Line passes through northern and western line of plot No. 118 of mouza BaliaDurmitikitta No. 712 and meets at point 'F4'.

F4 — F1 Line passes alongwith eastern line of plot Nos. 125, 126, 98 of mouza BaliaKurmikitta No. 712 and meets at point 'F1'.

Block 'G' :

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in acres (approximately)	Remarks
1.	Mahagama	700	Mahagama	Godda	2.41	
				Total	2.41 acres (approximately)	

Boundary Description :

G1 — G2 Line passes through southern line of plot No. 1218 of mouza Mahagama No. 700, passes through plot No. 1218, line passes through western and southern line of plot No. 1162 and meets at point 'G2'.

G2 — G3 Line passes through western line of plot No. 1166 of mouza Mahagama No. 700, passes through western and southern line of plot No. 1165, line passes alongwith southern line of plot No. 1169 and meets at point 'G3'.

G3 — G4 Line passes through northern and western line of plot No. 1189 of mouza Mahagama No. 700, line passes alongwith northern line of plot No. 1190 and meets at point 'G4'.

G4 — G1 Line passes through eastern line of plot Nos. 1109, 1111 of mouza Mahagama No. 700, line passes through eastern and northern line of plot No. 1112, line passes through eastern line of plot No. 1113, line passes alongwith northern line of plot No. 1114 and meets at point 'G'.

Block 'H' :

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in acres (approximately)	Remarks
1.	Basua	692	Mahagama	Godda	2.01	Part
				Total	2.01 acres (approximately)	

Boundary Description :

H1 — H2 Line passes through plot No. 32/149 of mouza Basua No. 692 and meets at 'H2' point.

H2 — H3 Line passes through plot No. 32/149 of mouza Basua No. 692 and meets at point 'H3'.

H3 — H4 Line passes alongwith plot No. 32/152 of mouza Basua No. 692 and meets at point 'H4'.

H4 — H5 Line passes eastern side of plot No. 32/159 of mouza Basua No. 692, passes alongwith eastern and northern line of plot No. 32/153 and meets at point 'H5'.

H5 — H1 Line passes alongwith joint boundary line of mouza Basua No. 692 and Murlitok No. 691 and meets at point 'H1'.

Block 'I' :

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in acres (approximately)	Remarks
1.	Basua	692	Mahagama	Godda	0.74	Part
				Total	0.74 acres (approximately)	
				Grand Total (Block A—I)	40.84 acres (approximately) or 16.53 hectares (approximately)	

Boundary Description :

I1 — I2 Line passes through southern and eastern line of plot No. 32/155 of mouza Basua No. 692 and meets at point 'I2'.

I2 — I3 Line passes alongwith western line of plot No. 32/154 of mouza Basua No. 692 and meets at point 'I3'.

I3 — I4 Line passes alongwith northern line of plot No. 32/154 of mouza Basua No. 692 and meets at point 'I4'.

I4 — I1 Line passes alongwith eastern line of plot No. 32/154 of mouza Basua No. 692 and meets at point 'I1'.

[No. 43015/6/97-LW]

Mrs. P. L. SAINI, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 2 दिसम्बर, 1997

का०आ० 3199.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 की धारा 3 की उप-धारा (1) के खण्ड (क) के अनुसरण में और विहार सरकार से परामर्श करने के बाद डा० सुरेन्द्र कुमार सिन्हा, मकान नं० बी/2, सेक्टर डी/1, कंकड़बाग, पटना-800020 को 17 दिसम्बर, 1997 से भारतीय आयुर्विज्ञान परिषद के एक सदस्य के रूप में मनोनीत किया है।

अतः इव उक्त अधिनियम की धारा-3 की उपधारा (1) के उपबंधों के अनुसरण में केन्द्र सरकार एतद् द्वारा भारत सरकार, स्वास्थ्य मंत्रालय की अधिसूचना संख्या का०आ० 138, दिनांक 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है; अर्थात्:—

उक्त अधिसूचना में शीर्षक “उप-धारा 3 के खण्ड (क) के अन्तर्गत नामांकित” के अधीन ऋम संख्या-13 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित ऋम संख्या और प्रविष्टियां रखी जाएंगी, अर्थात्:—

“13, डा० सुरेन्द्र कुमार सिन्हा,
मकान नं० बी/2,
सेक्टर नं० डी/1,
कंकड़बाग, पटना-800020”

[संख्या वी० 11013/15/97-एम०ई (यूजी०)]
एस०के० मिश्रा, ईस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY
WELFARE

(Department of Health)

New Delhi, the 2nd December, 1997

S.O. 3199.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Bihar have nominated Dr. Surendra Kumar Sinha, House No. B/2, Sector D/1, Kankarbagh, Patna—800 020 to be a member of the Medical Council of India with effect from 17-12-1997

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of Government of India in the then Ministry of Health Number S.O. 138, dated 9-1-1960, namely :—

In the said Notification, under the heading “Nominated under clause (a) of sub-section 3” for serial Number 13 of the entries

relating thereto, the following Serial Number and entries shall be substituted namely :—

“13. Dr. Surendra Kumar Sinha,
House No. B/2,
Sector D/1,
Kankarbagh,
Patna-800020.”

[No. V. 11013/15/97-ME (UG)]

S. K. MISHRA, Desk Officer.

नई दिल्ली, 3 दिसम्बर, 1997

का०आ० 3200 :—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (ख) के अनुसरण में अन्नामलाई विश्वविद्यालय की सिनेट ने डा० एम० जी० मुतुकुमारस्वामी, अध्यक्ष, चिकित्सा शिक्षा और प्रौद्योगिकी केन्द्र, कार्यचिकित्सा संकाय और कुलपति, अन्नामलाई विश्वविद्यालय का 24 अक्तूबर, 1997 से भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में चयन किया है;

अतः उक्त अधिनियम, की धारा 3 की उप-धारा (1) के खण्ड (ख) के अनुसरण में, केन्द्रीय सरकार पूर्व स्वास्थ्य मंत्रालय के दिनांक 9 जनवरी, 1960 के का०आ० संख्या 138 की अधिसूचना में एतद् द्वारा निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, धारा-3 की उप-धारा (1) के खण्ड (ख) के अध्यधीन “निर्वाचित” शीर्षक के अन्तर्गत ऋम संख्या 70 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित ऋम संख्या तथा प्रविष्टियां दर्ज की जाएंगी ; अर्थात्:—

“70. एम०जी० मुतुकुमारस्वामी, अन्नामलाई विश्वविद्यालय अध्यक्ष, चिकित्सा शिक्षा और प्रौद्योगिकी केन्द्र, कार्यचिकित्सा संकाय और कुलपति, अन्नामलाई विश्वविद्यालय, अन्नामलाई नगर-608002”

[संख्या वी० 11013/14/97-एम०ई० (यूजी०)]
एस०के० मिश्रा, ईस्क अधिकारी

पादित्प्पण : मूल अधिसूचना भारत के राजपत्र में दिनांक 9-1-60 के का०आ० के तहत प्रकाशित की गई थी।

New Delhi, the 3rd December, 1997

S.O. 3200.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. M. G. Mu-thukumarswamy, Chairman, Centre for Medical Education and Technology, Faculty of Medicine and Vice-Chancellor, Annamalai University has been

**MINISTRY OF URBAN AFFAIRS AND
EMPLOYMENT**
(Department of Urban Development)
(Delhi Division)

New Delhi, the 15th December, 1997

S.O. 3202.—Whereas certain modifications which the Central Government proposed to make in the Master Plan for Delhi/Zonal Development Plan regarding the area mentioned hereunder were published with Notice No. F. 20(9)95-MP, dated 23-4-97 in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice.

2. Whereas no objections/suggestions were received with regard to the proposed modification and whereas the Central Government have after carefully considering all aspects of the matter, decided to modify the Master Plan.

3. Now, therefore in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

MODIFICATION

"The land use of an area, measuring 0.40 hac. (1.00 acre) falling in Zone 'F' (South Delhi-1) bounded by Distt. Park in the North, Shivalik CHBS in the East, 24 MR/W road in the South and Aurobindo College in the West, is proposed to be changed from 'Recreational' to 'Transportation' (Bus Terminal)".

[No. K-13011|13|96-DDIB]
K. K. GUPTA, Under Secy.

सुचना और प्रसारण मंत्रालय

नई दिल्ली, 3 दिसम्बर, 1997

का.आ. 3203.—असचित्र (प्रमाणन) नियमावली, 1983 के नियम-9 के माथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा-5 की उपधारा (2) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए और इस मंत्रालय की दिनांक 22-12-94 की समसंख्यक अधिसूचना के अनुक्रम में केन्द्रीय सरकार श्री जी. राजेशबरन, भा.प्र. से. (केरल 1983) अधिकारी, केन्द्रीय फिल्म प्रमाणन बोर्ड, चेन्नई को उनके वैयक्तिक साभ के रूप में दिनांक 1-7-1997 से उनकी कार्य-अवधि के शेष भाग अर्थात् 11-12-1999 तक अथवा अगले आदेशों जो भी पहले हो, तक के लिये प्रतिनियुक्ति के आधार पर निदेशक के स्तर पर नियुक्त करते हैं।

[फा.सं. 801/6/94-एफ(सी)]
आई.पी. मिश्रा, डैस्ट्रिक्ट अधिकारी

**MINISTRY OF INFORMATION AND
BROADCASTING**

New Delhi, the 3rd December, 1997

S.O. 3203.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with Rule 9 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's Notification of even number dated 22nd December, 1994, the Central Government is pleased to appoint Sh. G. Rajasekharan, IAS (KL : 83) Regional Officer Central Board of Film Certification, Chennai at the level of Director as a measure personal to him on deputation basis, with effect from 1-7-97 for the remaining part of his tenure i.e. till 11-12-1999 or until further orders, whichever is earlier.

[File No. 801|6|94-F(C)]
I. P. MISHRA, Desk Officer

विद्युत मंत्रालय

नई दिल्ली, 12 दिसम्बर, 1997

का.आ. 3204.—केन्द्रीय सरकार, भारतीय विज्ञली अधिनियम, 1910 की धारा-36 की उपधारा-1 के अनुसरण में राजपत्र अधिसूचना संख्या 25(1)/90-एसईबी, दिनांक 17-11-97 में अधिसूचित केन्द्रीय सरकार और संघ राज्य क्षेत्र से संबंधित अथवा नियंत्रणधीन अधिष्ठापनों के बारे में श्री ए.एम. जोशी के स्थान पर श्री एस. सेठ वेदनाथन, मुख्य इंजीनियर (ताप प्रौद्योगिकी एवं इंजीनियरी), केन्द्रीय विद्युत प्राधिकरण को विद्युत नियोक्त के रूप में नामित करती है।

[सं. 25(12)/97-एसईबी]
एम.आर. राजौरिया, अवर सचिव

MINISTRY OF POWER

New Delhi, the 12th December, 1997

S.O. 3204.—In pursuance of sub-section 1 of Section 36 of the Indian Electricity Act, 1910, the Central Government hereby appoints Shri S. Sethvedanthan, Chief Engineer (Thermal Technology & Engineering), Central Electricity Authority as Electrical Inspector in respect of installations belonging to or under the control of the Central Government and Union Territories as notified in the Gazette Notification No. 25(1)|90-SEB, dated 17th November, 1997 vice Shri A. M. Joshi.

[No. 25(12)|97-SEB]
M. R. RAJORIA, Under Secy.

पैट्रोलियम और प्राकृतिक गैस संचालन

नई दिल्ली, 23 दिसम्बर, 1997

का.आ. 3205.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हिन्दूलिया से विहार राज्य के बरौनी तक पैट्रोलियम उत्पाद के परिवहन के लिए इंडियन आयल कारपोरेशन लिमिटेड द्वारा पाईपलाईन बिछाई जानी चाहिए;

और यह प्रतीत होता है कि उक्त पाईपलाईन बिछाने के प्रयोजन के लिये इस अधिसूचना से उपबंध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पार्षद लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1)द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इकीस दिन के भीतर भूमि के नीचे पाईपलाईन बिछाने के संबंध में या उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप मो. रविउल कामाल, सक्षम प्राधिकारी, इंडियन आयल कारपोरेशन लिमिटेड, हिन्दूलिया-बरौनी कूँड पाईपलाईन परियोजना, डाकघर-खंजनाथ, बासुदेवपुर, जिला मिदनापुर, पश्चिमी बंगाल को कर सकेगा।

अनुसूची

पुलिस थाना : सुताहाटा

जिला : मिदनापुर

राज्य : पश्चिमी बंगाल

गांव	अधिकारिता सूची संख्या	प्लाट संख्या		क्षेत्र		
		2	3	हैक्टेयर	अ.रे	सेटीआरे
1		4	5	6		
तेंतुलबेरिया	170	818	0	2	2	
शोभारामपुर	147	1605	0	0	10	
		1520	0	0	10	
मनोहरपुर	92	331	0	0	81	
हादिया	47	1129	0	4	86	
		2544	0	3	24	
		2545	0	2	83	
सपुआ	48	139	0	8	9	
		64	0	1	43	
गोरांखली	61	534	0	1	0	

पुलिस थाना : महीशादल जिला : मिदनापुर राज्य : पश्चिमी बंगाल

गांव	अधिकारिता सूची संख्या	प्लाट संख्या		क्षेत्र		
		2	3	4	5	6
1						
कालीका कुर्ढ़	148	1912	0	1	62	
		1870	0	1	62	
		185	0	2	2	
लाल्हा	161	3842	0	1	1	
		3855	0	0	81	

1	2	3	4	5	6
झाझपतरा	144	894	0	0	20
नाईकुन्डी	117	947	0	1	10
गुरिया	45	620	0	2	2
		603	0	0	81
		586	0	0	20
		113	0	0	20
		114	0	0	40
		104	0	1	21
तारागेठिया	51	71	0	0	81

पुलिस थाना : तामलुक

जिला : मिदनापुर

राज्य . पश्चिमी बंगाल

गांव	अधिकारिता सूची संख्या	प्लॉट संख्या	धोका		
			हेटेर	आरे	सेटी आरे
1	2	3	4	5	6
पदमपुर	99	15	0	0	60
ब्राह्मीकलुआ	93	359	0	0	10
		157	0	0	40
		155	0	0	10
		352	0	3	64
नरसिंह कलुआ	94	335	0	1	62
		327	0	0	40
		340	0	0	40
भुवनेश्वरपुर	146	53	0	0	40
बारफ़दुमद्दसन	145	909	0	1	62
		220	0	0	10
कापाशब्दे	283	1539	0	0	40
मीलकुण्ठिया	52	909	0	0	10
दक्षिण उसतपुर	60	1267	0	0	10
रामकलुआ	97	70	0	0	10
		73	0	0	10
		74	0	0	10
धमगेढ़या	95	335	0	0	35

[भाग II—खंड 3(ii)]

ग्राम का नामपत्र : विधायक ३७, १९९७/पंथ ६, १९१९

6177

पुलिस थाना : पंसकुरा

ज़िला : मिदनापुर

राज्य : पश्चिमी बंगाल

गांव	अधिकारिता सूची संख्या	प्लाट संख्या	क्षेत्र		
			हैक्टेयर	आरे	सेटीआरे
1	2	3	4	5	6
देरियाचक	318	1232	0	0	20
बहारपोटा	319	414	0	0	20
बाराडाबुर	298	472	0	0	40
		470	0	0	10

पुलिस थाना : दारापुर

ज़िला : मिदनापुर

राज्य : पश्चिमी बंगाल

गांव	अधिकारिता सूची संख्या	प्लाट संख्या	क्षेत्र		
			हैक्टेयर	आरे	सेटीआरे
1	2	3	4	5	6
नारायणधक	238	1216	0	1	64
गोमोकपोटा	237	923	0	3	5
		1016	0	0	40
सीतापुर	235	3397	0	0	73
		4283	0	2	2
जोटघनश्याम	240	743	0	0	71
		905	0	0	20
पंचगठिया भाग एक	158	877	0	0	20
		682	0	0	40
		1559	0	0	40
		429	0	0	40
केलोगोडा	174	2382	0	0	40
		1777	0	0	40
		1789	0	0	40
चेनपत	216	375	0	0	10
		7813	0	0	40
		11905	0	7	80
डोरी अयोध्या	214	1079	0	4	40
भगवनीपुर	211	2307	0	7	21

[मंख्या आर-31015/26/97-ओ.आर-[]]

के.वी. कटोर, प्रवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 23rd December, 1997

S.O.3205.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Products from Haldia in the State of West Bengal to Barauni in the State of Bihar, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas, it appears that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person, interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user thereon or laying of the Pipelines under the land to Shri Md. Rabiul Ramal, competent authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Project, Post Office-Khjananchak, Basudevpur, District-Midnapur (West Bengal).

SCHEUDLE

Police Station : Sutahata		District : Midnapur	State : West Bengal		
Village	Jurisdiction List No.	Plot No.	Area		
1	2	3	Hectares	Ares	Centiare s
Tentulberia	170	818	0	2	2
Shobharampur	147	1605	0	0	10
		1520	0	0	10
Manoharpur	92	331	0	0	8
Hadia	47	1129	0	4	86
		2544	0	3	24
		2545	0	2	83
Sapua	48	139	0	8	9
		64	0	1	43
Gourankhali	61	534	0	1	0

Police Station : Mahisadal

District : Midnapur

State : West Bengal

Village 1	Jurisdiction List No. 2	Plot No. 3	Area		
			Hectare 4	Ares 5	Centiares 6
Kalikakundu	148	1912	0	1	62
		1870	0	1	62
		185	0	2	2
Lakhya	161	3842	0	1	1
		3855	0	0	81
Jhaupatra	144	894	0	0	20
Naikundi	117	947	0	1	1
Guria	45	620	0	2	2
		603	0	0	81
		586	0	0	20
		113	0	0	20
		114	0	0	40
		104	0	1	21
Tarageria	51	71	0	0	81

Police Station : Tamluk	District : Midnapur	State : West Bengal
Padampur	99	15
Balikalua	93	359
		157
		155
		352
Nara Singh Kalua	94	335
		327
		340
Bhubaneswarpur	146	53
Barpadumbasan	145	909
		220
Kapasbere	283	1539
Nilkunthia	52	909
Dakshin Usatpur	60	1267
Ramkalua	97	70
		73
		74
Amgchhyia	95	335

Police Station : Panskura

District : Midnapur

State : West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Deryachak	318	1232	0	0	20
Bacharpota	319	414	0	0	20
Baradabar	298	472	0	0	40
		470	0	0	10

Police Station : Daspur

District Midnapur

State: West Bengal

Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Narayanchak	238	1216	0	1	64
Gomokpota	237	923	0	3	5
		1016	0	0	40
Sitapur	235	3397	0	0	73
		4283	0	2	2
Jotghanashyam	240	743	0	0	71
		905	0	0	20
Panchgachhia Part -I	158	877	0	0	20
		682	0	0	40
		1559	0	0	40
		429	0	0	40
Kelogoda	174	2382	0	0	40
		1777	0	0	40
		1789	0	0	40
Chainpat	216	375	0	0	10
		7813	0	0	40
		11905	0	7	80
Dori Ayodhya	214	1079	0	4	40
Bhagabatipur	211	2307	0	7	2

नई दिल्ली, 22 दिसम्बर, 1997

	(1)	(2)	(3)
	735	0.010	
	739	0.639	
	1023	0.580	
	1024	0.325	
	1034	0.234	
	1035	0.142	
	1036	0.042	
	1038	0.051	
	1039	0.060	
	1041	0.010	
	1042	0.424	
	1043	0.399	
	1048	0.319	
	1049	0.177	
	1051	0.153	
	1054	0.219	
	1056	0.207	
	1057	0.329	
	1058	0.038	
खोखड़ी	38	0.258	
	39	0.261	
	40	0.035	
	41	0.117	
	42	0.036	
	43	0.248	
	44	0.453	
	45	0.010	
	57	0.100	
	58	0.018	
	59	0.165	
	60	0.332	
	61	0.271	
	63	0.051	
	64	0.189	
	82	0.031	
	107	0.398	
	108	0.046	
	110	0.156	
	111	0.143	
	114	0.082	
	118	0.017	
जियाजीगढ़	2	0.813	
सुरजासेडी	392	0.358	
	393	0.101	
	397	0.139	
	398	0.563	
	399	0.105	
	400	0.002	
	430	0.055	
	487	0.055	
	488	0.274	
	489	0.014	
	490	0.231	
	504	0.160	
	505	0.019	
	506	0.065	
	528	0.358	
	529	0.014	

का. आ. 3206 :- केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप-लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे द्वारा इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई ओर तारीख 02/08/97 के राजपत्र के पृष्ठ सं. 3701 पर प्रकाशित भात सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना संस्था का. आ. 1895, तारीख 01 / 08 / 97 द्वारा पेट्रोलियम (कुड़-आयल) के परिवहन के लिए पाइप लाइन बिलाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 16 / 08 / 97 को उपलब्ध करा दी गई थीं ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का, उक्त रिपोर्ट पर विचार करने के पश्चात, यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार अर्जित किया जाता जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाय, सभी वित्तसंग्रामों से रहित, भारत ओमान रिफायनरीज लिमिटेड में निहित होगा।

अनुसूची

तहसील: खाचरोद जिला: उज्जैन राज्य: मध्य प्रदेश

ग्राम का नाम	सर्वेक्षण संख्या	भेत्रफल हेक्टेयर / आरे
(1)	(2)	(3)
रामाबालोदा	431	0.128
	432	0.088
	433	0.030
	435	0.120
	436	0.043
	437	0.169
	446	0.141
	447	0.055
	448	0.202
	732	0.364
	734	0.097

[सं. आर- 31015/15/97-ओआर. II]
के. सी. कटोच, अवर सचिव

New Delhi, the 22nd December, 1997

S.O. 3206 :- Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No.S.O. 1895 dated 01-08-97, issued under subsection (1) of section 3 of Petroleum and Minerals Pipelines (Acquisition of Rights of User in lands) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated 02/08/97 on page no.: 3702, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of Petroleum (Crude oil).

And whereas, the copies of the said Gazette notification were made available to the public on 16/08/97.

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the rights of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall, instead of vesting in the Central Government, vest free from all encumbrances, in Bharat Oman Refineries Ltd.

Schedule

Tehsil : Khachrod	Dist. : Ujjain	State : Madhya pradesh
Name of village	Survey no	Acre Hectare / are
(1)	(2)	(3)
Ramabaloda	431	0.128
	432	0.088
	433	0.030
	435	0.120
	436	0.043
	437	0.169
	446	0.141
	447	0.055

	(1)	(2)	(3)
Khokri		448	0.202
		732	0.364
		734	0.097
		735	0.010
		739	0.659
		1023	0.580
		1024	0.325
		1034	0.234
		1035	0.142
		1036	0.042
		1038	0.051
		1039	0.060
		1041	0.010
		1042	0.424
		1043	0.399
		1048	0.319
		1049	0.177
		1051	0.153
		1054	0.219
		1056	0.207
		1057	0.329
		1058	0.038
Jiyajigad	38	0.258	
	39	0.261	
	40	0.035	
	41	0.117	
	42	0.036	
	43	0.248	
	44	0.453	
	45	0.010	
	57	0.100	
	58	0.018	
	59	0.165	
	60	0.332	
	61	0.271	
	63	0.051	
	64	0.189	
	82	0.031	
	107	0.398	
	108	0.046	
	110	0.156	
	111	0.143	
	114	0.082	
	118	0.017	
Surjakhedi	2	0.813	
	392	0.358	
	393	0.101	
	397	0.139	
	398	0.563	
	399	0.105	
	400	0.002	
	430	0.055	
	487	0.055	
	488	0.274	
	489	0.014	
	490	0.231	
	504	0.160	
	505	0.019	
	506	0.065	
	528	0.358	
	529	0.014	

[No. R 31015/15/97-OR. II]

K. C. Katoch, Under Secy.

खाता और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 18 दिसम्बर, 1997

का. आ. 3207.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप-मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (1) न्यू मल्टी सन्नी-एक्स (चूषण टाइप) टाइप सं. एडीटीटी 242; (2) लम्बा होज मल्टी (चूषण टाइप) टाइप सं. एसीटीटी 242 और एडीटीटी 362 और (3) नॉन-स्पेस टाइप सं. एस एन 87 सिरीज के और “दुटसुनो कारपोरेशन” ट्रेड नाम वाले डिजिटल संप्रदर्श वाले पेट्रोलियम उत्पादों के परिदान के लिए बहुउद्दीय डिस्पैसिंग पंपों के माडल (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिनका विनिर्माण मैसर्स टाअसुनो कारपोरेशन, 200 इंजिमा-चो साकइ-कुं, योकोहामा 224, जापान तथा मैसर्स नामुरा ट्रेडिंग के. लि., 509 वर्ल्ड ट्रेड सेंटर बाराखांबा लेन, नई दिल्ली-110001 द्वारा भारत में विक्रीत द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी. 13/97/27 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति में दिए गए) निम्नलिखित टाइप के अंकीय संप्रदर्श वाले बहुउद्दीय डिस्पैसिंग पम्प हैं जो पेट्रोलियम उत्पादों के परिदान के लिए हैं :

“न्यू मल्टी सुनी-एक्स” (चूषण टाइप) टाइप सं. ए. डी. ए.टी.टी 242, लम्बा होज मल्टी (चूषण टाइप) टाइप सं. ए. डी. टी.टी 242, और ए. डी. टी.टी 362 और नॉन-स्पेस टाइप सं. एस एन 87 सिरीज मशीन के तकनीकी और जो सभी माडलों के लिए एक ही है जो निम्नलिखित हैं :

मशीन की तकनीकी विशिष्टताएं जो सभी माडलों के लिए एक ही हैं जो निम्नलिखित हैं :—

विनिर्माण	:	मैसर्स टाअसुनो कारपोरेशन, 200 इंजिमा-चो, साकइ-कुं, योकोहामा 224, जापान
उपकरण का नाम	:	पेट्रोलियम उत्पादों के परिदान के लिए बहुउद्दीय डिस्पैसिंग पम्प
टाइप	:	(1) न्यू मल्टी सुनी-एक्स (चूषण टाइप) सिरीज सं. ए. डी. ए.टी.टी 242, (2 पम्प, 4 मीटर और 2 काउंटर) (2) लम्बा होज मल्टी (चूषण टाइप) सीरीज सं. ए. डी. टी.टी 242 और ए. डी. टी.टी 362 (2 पम्प, 4 मीटर और 2 काउंटर) (3 पम्प, 6 मीटर और 2 काउंटर) और (3) नॉन-स्पेस सिरीज सं. एस एन 87 (2 पम्प, 2 मीटर और 2 काउंटर)
अधिकतम प्रवाह दर	:	प्रति होज प्रति मिनिट 35 लीटर
अंशशोधन समायोजन	:	5 लीटर के परिदान में 5 मि. ली. के सौपानों में
उपबंधित अंशशोधन की रेंज	:	5 लीटर के परिदान पर ± 100 मि. ली.
संप्रदर्श मात्रा	:	6 अंक 999.99 लीटर 0.01 लीटर की वृद्धि में

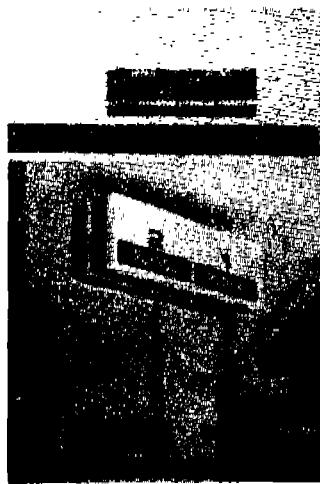
संप्रदर्श यूनिट	:	छ: अंक फ्लोरिसेन्ट 9999.9 रुपए तक "संदाय की रकम" के लिए सूचक
"यूनिट" अदृढ़न रेज	:	चार अंक फ्लोरिसेन्ट संप्रदर्श यूनिट मूल्य के लिए सूचक (प्रत्येक होज के ऊपर) 99.99 रुपए
प्रवाह मीटर	:	चार पिस्टन पाजिटिव डिस्लोसमेंट प्रवाह मीटर
विद्युत प्रदाय	:	230 वोल्ट, 50 हार्टज
तापमान रेज	:	-20° से 40° से.
परिदान होज	:	5 मी. से अन्यून स्वतः रिट्राइवल की सुविधा सहित



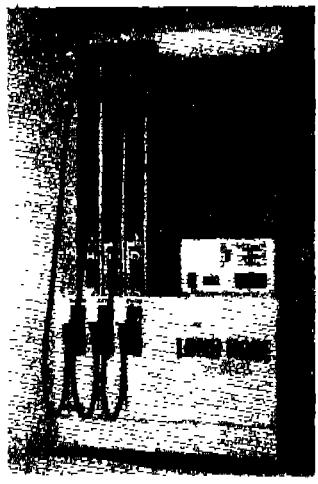
ए ई टी टी 242



ए ई ए टी 242



एस एन 87 सिरीज



ए ई टी टी 362

आकृति

[का. सं. छब्बी एम-21(1)/97]

राजीव श्रीवास्तव, अपर सचिव

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

New Delhi, the 18th December, 1997

S.O.3207.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

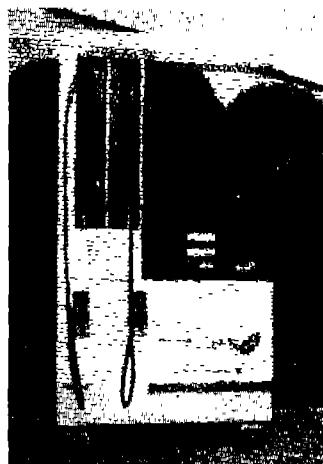
Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Models of Multi-purpose dispensing pumps for delivery of petroleum products with digital display of (i) New Multi Sunny-Ex (Suction type) Type No. ADAT 242, (ii) Long Hose Multi (Suction type) Type Nos ADTT 242 and ADTT 362 and (iii) Non-Space Type No SN 87 series (hereinafter referred to as the Models) and with the trade name "TUTSUNO CORPORATION" manufactured by M/s. Tatsuno Corporation, 200, Iijima-Cho, Sakae-ku, Yokohama 224, Japan and sold in India by M/s. Nomura Trading Co. Ltd., 509, World Trade Centre, Barakhamba Lane, New Delhi-110001, and which is assigned the approval mark IND/13/97/27;

The models (given in the figure) are Multi-purpose dispensing pumps meant for delivering petroleum products with digital display of the following types :

"New Multi Sunny-Ex" (Suction type) Type No ADAT 242, Long Hose Multi (Suction type) Type Nos ADTT 242 and ADTT 362 and Non-Space Type No SN 87 series. The technical details of the machine, which are common to all the models, are as follows :

Manufacturer	:	M/s Tatsuno Corporation, 200, Iijima-Cho, Sakae-ku, Yokohama 224, Japan.
Name of the Instrument Type	:	Multi-purpose dispensing pumps to deliver petroleum products
	:	(i) New Multi Sunny-Ex (Suction type) series No ADAT 242, (2 pumps, 4 meters and 2 counters)
	:	(ii) Long Hose Multi (Suction type) series No ADTT 242 and ADTT 362
	:	(2 pumps, 4 meters and 2 counters)
	:	(3 pumps, 6 meters and 2 counters) and
	:	(iii) Non-Space series No SN 87
	:	(2 pumps, 2 meters and 2 counters)
Maximum Flow Rate	:	35 litre per minute per hose.
Calibration Adjustments	:	In steps of 5 ml in a delivery of 5 litre.
Range of Calibration Provided	:	±100 ml on a delivery of 5 litre.
Quantity Display	:	6 digits 999.99 litre in increment of 0.01 litre.
Display Unit	:	Six digit LED indicator for "amount to Pay" upto Rs. 9999.9.

"Unit" Setting Range	:	Four digit LED indicator for Unit Price display (about each hose). Rs. 99.99.
Flow Meter	:	Four piston positive displacement flow meter.
Power Supply	:	230v 50 Hertz a.c.
Temperature Range	:	—20° C to 40° C
Delivery Hose	:	Less than 5 m with automatic retrieval facility.



ADTT 242



ADAT 242



SN 87 Series



ADTT 362

(Figure)

[F. No. WM-21(1)/97]

RAJIV SRIVASTAVA, Addl. Secy.

श्रम मंत्रालय

मही दिल्ली, 27 दिसम्बर, 1997

का०आ० 3208.—ओषधिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं एच०पी०सी० लि० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओषधिक विवाद में केन्द्रीय सरकार ओषधिक अधिकारण (सं०-२), मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-11-97 को प्राप्त हुआ था।

[सं० एल-11012/4(ए)/93-आई भार (विधि) /
(फोल-१)]

सनातन, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 27th November, 1997

S.O. 3208.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal, (No.—2), Mumbai as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M/s. H.P.C. Ltd. and their workman, which was received by the Central Government on 27-11-97.

[No. L-11012/4(A)/93-IR (Mise.)/IR (C-I)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II

MUMBAI

PRESENT

SHRI S. B. PANSE

PRESIDING OFFICER

REFERENCE NO. CGIT-2/11 of 1996.

EMPLOYERS IN RELATION TO THE MANAGEMENT OF HINDUSTAN PETROLEUM CORPN.
LTD.

AND

Their Workmen

APPEARANCES :

For the Employer : Mr. V. H. Kantharia
Advocate.

For the Workmen : Mr. S. S. Pakale
Advocate.

Mumbai, dated 6th November, 1997

AWARD

The Government of India, Ministry of Labour by its order No. L-11012/4(A)/93. IR (Misc)/(Coal. II) dated 29-1-96, had referred to the following Industrial dispute for adjudication.

"Whether the action of the management of Hindustan Petroleum Corporation Ltd., Mahul refinery in not absorbing 32 Light Vehicle Drivers (as per the list enclosed) on the permanent roll and thus depriving them of the wages and other service conditions as applicable to regular workmen is legal and justified ? If not, to what relief the workmen are entitled ? "

LIST OF DRIVERS WORKING IN DIFFERENT DEPTS. OF BOMBAY REFINERY HPCL,
MAHUL:

	Date of Birth	Year of Joining
(1) Tajuddin Usamn Sheikh	15-09-61	Aug, 89
(2) Akbar Aziz Khan	01-05-64	Dec, 89
(3) Gopinath Mahadev Pawar	05-04-61	Aug, 89
(4) Mahavir Prasad Varma	01-07-64	Jan, 87
(5) Santosh Kumar Singh	03-07-65	Jan, 90
(6) Siddharth Bhiku Jadhav	12-06-68	Aug, 89
(7) Arleepan K. Kuppan	05-06-66	May, 90
(8) Vijay Shankar Shirke	04-05-75	Aug, 89
(9) Popat Tukaram Shinde	01-06-68	Aug, 89
(10) Utham R'Chandra Gogadand	01-08-49	May, 89
(11) Ramesh Manik Bhalke	15-07-66	Aug, 90
(12) Prakash Mahadev Gurav	14-06-63	May, 90
(13) Baburao Souji Poul	14-01-49	Aug, 89
(14) Jaswant Kurwant Singh	12-04-64	Jan, 88
(15) Ramchandra N. Shanbhag	01-06-40	Aug, 89
(16) Bhanu Pratap K. Yadav	05-01-55	Jan, 84
(17) Viju Sampat Limbare	10-01-70	June, 90
(18) Bholanath R. S. Tiwari	12-11-58	Jan, 84
(19) Rajesh K. V. Shrivastav	15-04-71	Mar, 91
(20) Rajkumar V. Srivastav	13-03-68	Mar, 91
(21) Buttan G'Chand Paswan	18-10-62	Aug, 88
(22) Laxman Manik Bhalke	15-07-68	May, 91
(23) Om Parkash G'Chand Pawan	25-07-66	Aug, 91
(24) Vital Karbhari Bhagare	09-02-60	Jan, 90
(25) Shankar Ganpat Patil	07-02-40	Aug, 89
(26) Mohammed Ebrahim Khan	22-06-54	Aug, 89
(27) Nedunchezian Marimuthu	25-06-65	Aug, 91
(28) Shersingh B. Chauhan	20-02-53	Apr, 91
(29) Mahesh Baban Rane	04-09-72	Mar, 92
(30) Rohidas Baburao Tastode	03-07-57	Jan, 87
(31) Karinga Bundangar Salian	04-10-60	May, 91
(32) Anil Jagdish Daswekar	27-06-61	May, 91

2. The petroleum employees union filed a statement of claim (Exhibit-2). They had given detailed reasoning how the action of the management in not absorbing these 32 employees as regular workmen is not legal and justified.

3. When the matter was for filing of the written statement it is submitted before me that two writ petitions bearing Nos. 369 and 397 of 1996 are filed before the High Court of Bombay claiming similar reliefs not only for the person concerned in the present reference but also for other contract employees. It is therefore the reference was adjourned from time to time and the management did not file the written statement.

4. The union filed an application (Exhibit-5) contending that the writ petitions were disposed off by His Lordship on 10th July, 1996 and the union prayed for absorption and for other reliefs were granted. They have contended that it is therefore nothing remained to be adjudicated by the Tribunal. It has to answer the reference in favour of the union.

5. The management filed at Exhibit-6, opposing the application contending that in view of the decision in the writ petition the reference becomes infructuous. The High Court had already granted the reliefs as claimed by the union and now this Tribunal cannot grant the same reliefs again. It is prayed that under such circumstances the reference may be disposed off as infructuous.

6. I hear the Learned Advocates for both the parties. After perusal of the Judgement of the High Court in the Writ Petitions it can be seen that the workman concerned in this reference are given the reliefs as claimed. Now in fact nothing remained to be done by this Tribunal. By answering the reference in the affirmative means reiterating the decision given by His Lordships. That is not expected at all.

7. The Learned advocate for the union argued that when the reference is referred to this Tribunal for adjudication it has to be answered in the affirmative or in the negative. I am not inclined to accept this submission. Adjudication does not mean that in the affirmative or in the negative. There might be other circumstances requiring the Tribunal to answer the reference in a different way. In the present matters in view of the decision given by the High Court nothing remained to be done by this Tribunal. The reference becomes infructuous. The reliefs which the workman asked in this reference are already granted by His Lordships. Under such

circumstances pass the following order :

ORDER

In view of the decision given in Writ Petitions Nos. 397 of 1996 and 369 of 1996 the reference becomes infructuous.

S. D. PANST, Presiding Officer

नई तिल्ली 27 नवम्बर, 1997

का.०३१०३२०९.—अंतर्राष्ट्रीय किशोर अधिकारी, 1947 (1947 का 14) की धरा 17 के अनुग्रह में, केन्द्रीय मरकार नै० सी०१८०१८०१८० के प्रबन्धसंघ के संबद्ध नियोजकों और उनके कार्यकारी के बीच, अन्तर्राष्ट्रीय में निवास अंतर्राष्ट्रीय किशोर में केन्द्रीय सरकार और्दोग्यक अधिकारी (म०-२) प्रबन्ध के प्रबाद को प्रकार्तिक करती है, जो केन्द्रीय सरकार को 27-11-97 को प्राप्त हुआ था।

[F. नं.-20012/37/90-आईआर (की-१)]

सनातन, डेस्क अधिकारी

New Delhi, the 27th November, 1997

S.O. 3209.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.C. and their workmen, which was received by the Central Government on 27-11-1997.

[No. L-20012/37/90-IR (C-I)]
SANATAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I. D. Act, 1947.
REFERENCE NO. 29 OF 1990.

PARTIES :

Employers in relation to the management of
Religara Colliery of M/s. C.C. Ltd., and
their workmen.

APPEARANCES :

On behalf of the Workmen : None.

On behalf of the Employers : Shri B. Joshi,
Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 19th November, 1997.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/(87)/90-I.R. (Coal-I), dated the 19th October, 1990.

SCHEDULE

"Whether the action of the management of Religara Colliery of Central Coalfields Ltd. P.O. Religara, District Hazaribagh by not regularising and giving promotion to the post of Auto Mechanical Fitter Category-V and other allied benefits payable from time to time by the management to S/Shri Dhaneshwar Turi, Daya Shankar and Rupu Ganju all helpers, Category-II to Auto Mechanical Fitter working at present as Auto Mechanical Fitter from 20-10-1985 is justified ? If not to what relief the workmen concerned are entitled ?"

2. In this reference an ex parte Award was passed against the management and subsequently the same was set aside on the prayer of the management and also the management files a memorandum of settlement under the signature of both parties. I have heard on the memorandum of settlement and do find that the terms contained therein are fair and proper and beneficial to both the parties. Accordingly I accept the said memorandum of settlement and pass an Award in terms therof which do form part of the Award as Annexure.

E. B. CHATTERJEE, Presiding Officer.

ANNEXURE

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF RELIGARA COLLIERY AND THEIR WORKMAN REPRESENTED BY BIHAR COLLIERY KAMGAR UNION ON 25TH OCTOBER, 1997.

FORM—H

For the Employers :

1. Shri A. K. Sengupta.
Project Officer,
Religara Colliery.
2. Shri Gopal Prasad.
S.O. (Personnel) (A),
Sirka.
3. Shri R. Choudhary,
Sr. P.O. Religara Colliery.

For the Workmen :

1. Shri Kameshwar Singh,
Area Secretary, BCKU.
2. Shri Dhaneshwar Turi,
Secretary, BCKU,
Religara Branch.
3. Shri Dayashankar,
Member, BCKU.

4. Shri Rupu Ganju,
Member BCKU.

Short Recital of the case

An Industrial Dispute was raised by the BCKU demanding for regularisation of Shri Dhaneshwar Turi, Shri Dayashankar and Shri Rupu Ganju as Motor Mechanic to Category-V and the above dispute referred to Honourable Tribunal No. II, Dhanbad for adjudication. The reference was Numbered as 29/90. The above reference case was decided ex parte under peculiar circumstances existing at that time as a result the Management filed a petition for setting aside the award and rehearing of the case. During the pendency of hearing of matter relating to setting aside the award the matter was discussed between the parties and an amicable settlement has been arrived at on the following terms.

Terms of Settlement

1. That the Management has agreed to place the concerned workmen Shri Dhaneshwar Turi, Shri Dayashankar and Shri Rupu Ganju as Motor Mechanic in Category V w.e.f. 1-9-1996 after passing of the award and they will be deemed to have been placed in Category-V from 1-9-1996.
2. That their seniority in Category V will be counted from 1-9-1996 giving them National Seniority from that date.
3. That the concerned workmen will be fixed in Cat. V within one month from the date of this settlement considering them to have been placed/regularised w.e.f. 1-9-1996, but they will not claim any difference of wage between category V and the wages actually earned by them from the entire period of their claim. Thus, they will derive the benefit prospectively w.e.f. the date when their new scale will be fixed and they forgo all claims for the past period.

4. That in view of the aforesaid settlement there remains nothing to be adjudicated and Management may file a petition before the honourable Tribunal enclosing therein a copy of the settlement for passing the Award in terms of settlement and for closing the further proceeding in the above case as per the provisions of the law.

For the Employees :

Sd./- Illegible.

A. K. SENGUPTA, P.O., Religara,
Sd./- Illegible.

GOPAL PRASAD, S.O. (P)(A)/Sirka,
Sd./- Illegible.

R. CHOUDHARY, Sr. P.O./Religara.
Part of the Award.

For the Workmen :

Sd./- Illegible.

KAMESHWAR SINGH. Area Secy. (BCKU)

Sd./- Illegible.
DHANESHWAR TURI, Secy. BCKU Religara
 Branch.
 Sd./- Illegible.
DAYASHANKAR, Member BCKU,
 Sd./- Illegible.
RUPU GANJHU, Member BCKU.

नई दिल्ली, 27 नवम्बर, 1997.

का०आ० 3210 :—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं एच०पी०सी०ल० के प्रबन्धातंक के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुरूप में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण (सं०२), मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-11-97 को प्राप्त हुआ था।

[एल-30011/6/93-आईआर (सी-I)]

समाप्ति, इसक अधिकारी

New Delhi, the 27th November, 1997

S.O. 3218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal, (No.-2), Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. H. P. C. Ltd. and their workmen, which was received by the Central Government on 27-11-97.

[L-30011/6/93-IR(C-I)]
SANATHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT

SHRI S. B. PANSE
 PRESIDING OFFICER

REFERENCE NO. CGIT-2/35 of 1997

EMPLOYERS IN RELATION TO THE MANAGEMENT OF DIRECTOR, HINDUSTAN PETROLEUM CORPN. LTD. MAHUL REFINERY.

AND

THEIR WORKMEN

APPEARANCES :

FOR THE EMPLOYER : Mr. S. K. Talsania
 Advocate.

FOR THE WORKMEN : Mr. S. S. Pakale
 Advocate.

MUMBAI, dtd. 6th November, 1997.

AWARD

The Government of India, Ministry of Labour by its order No. L-30011 (6)/93-IR (Coal-I) dated 25-7-94, had referred to the following Industrial dispute for adjudication.

“Whether the action of the management of Hindustan Petroleum Corporation Ltd., Mahul Refinery in not absorbing 35 workmen of Lube Refinery (as per list annexed) on the permanent roll of the company and thus depriving them of the wages and service conditions as applicable to the regular employees of the company is legal and justified ? If not, to what relief the workmen are entitled to?”

LIST OF WORKMEN WITH DESIGNATIONS & JOINING DATES :

Sl. No.	Name	Job-Designation	Joining Year
(1)	S. R. Sarwad	Turner	1983
(2)	R. K. Varik	Turner	1984
(3)	K. C. Pujari	Welder	1983
(4)	A. Maridas	Rigger	1982
(5)	H. R. Koli	Fork Lift Operator	1980
(6)	P. Salvi	Fork Lift Operator	1986
(7)	V. V. Shinde	Fitter	1975
(8)	P. P. Gondhalf	-do-	1975
(9)	N. A. Sadadekar	-do-	1975
(10)	D. B. Tate	-do-	1975
(11)	R. G. Thorat	-do-	1974
(12)	C. B. Kindalkar	-do-	1980
(13)	K. M. Rawat	-do-	1980
(14)	R. C. Gotad	-do-	1980
(15)	G. M. D'Souza	-do-	1983
(16)	P. B. Davane	-do-	1984
(17)	P. D. Naik	-do-	1981
(18)	V. T. Patil	-do-	1982
(19)	D. B. Sabale	-do-	1982
(20)	B. N. Mohatre	-do-	1983
(21)	B. N. Madhye	-do-	1983
(22)	Hasankhan	-do-	1985
(23)	M. S. Sonar	-do-	1986
(24)	L. S. Prasad	-do-	1986
(25)	Balkrishna	-do-	1984

1	2	3	4
(26) Manikkan Arulappa		Filter	1985
(27) Shashikant Patil		-do-	1986
(28) K. Karunakaran		-do-	1984
(29) S. Manchekar		-do-	1984
(30) S. L. Jiman		-do-	1984
(31) Gulam Hussain		-do-	1985
(32) S. B. Brid		Helper	1986
(33) S. M. Gudekar		-do-	1984
(34) B. S. Devalikar		-do-	1984
(35) Rehman		-do-	1984

2. The Secretary of the General Employees Association has filed statement of claim (Exhibit-2). He had given the details how the workmen mentioned in the list are doing the work which is permanent and permanent in nature which they are doing. The union had produced different documents alongwith the claim to justify the same.

3. The management resisted the claim by the written statement Exhibit-4. They denied the contention taken in the statement of claim.

4. For the reasons give below I do not find it necessary to give in detail the contentions taken in the Statement of claim, and in the written statement.

5. When the matter was for hearing it is submitted before me by both the parties that writ petitions Nos. 367 of 1996 and 369 of 1996 are filed by the union for claiming almost same and similar reliefs as made in the present reference before the High Court of Bombay.

6. On 10th July, 1996, Their Lordships allowed a writ petition and granted the reliefs as claimed by the union.

7. On 1-10-97 the union filed applications (Exhibit-14) alongwith a copy of the Judgment in Writ Petition Nos. 367 of 1996 and 369 of 1996. They contended that in view of the Judgments given by His Lordships the present reference may be allowed in favour of the workman as prayed.

9. The management by their say (Exhibit-16) contended that they have preferred an appeal before the Division Bench against the Judgment and order passed in those Writ Petitions. It is therefore, the reference may be stayed. They also contended that in view of the orders passed by His Lordships, the reference has now become infructuous and it is to be disposed off as infructuous. According to the management the union again asked the Tribunal to grant the same reliefs again which already granted by the Hon'ble High Court.

9. I heared the Learned Advocates for both the parties and pursued the record. It is tried to submit on behalf of the union that the Tribunal has to answer the reference in the affirmative or in the negative, as it is referred to it for adjudication.

10. So far as the factual position is concerned there is no dispute that in view of the decision given by His Lordships in both the Writ Petitions the employees mentioned in the reference are to be absorbed, as per their Lordships order.

11. Adjudication does not necessarily mean answering the reference in the affirmative or in the negative. It has to be answered as per the circumstance. In the present case admittedly the writ petitions were filed before the High Court of Bombay for almost same and similar reliefs as made in the reference. Those reliefs were granted. The result is that nothing has remained to be adjudicated by this Tribunal. If the reference is answered in the affirmative it means that the relief which is granted by the Tribunal is again reiterated by the Tribunal. There is no need to do so. In the result I pass the following order :

ORDER

In view of the decision given in writ petitions Nos. 367 of 1996 and 369 of 1996 the reference becomes infructuous.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 1997

का. प्रा. 3211 :—श्रीदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दलाहालाद बैंक के प्रबन्धसंघ के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीदोगिक विवाद में केन्द्रीय सरकार श्रीदोगिक अधिकरण, II, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-97 को प्राप्त हुआ था।

[म. एल-12012/64/89-श्राई भार (बी -II)]
सनातन, डेस्क अधिकारी

New Delhi, the 4th December, 1997

S.O. 3211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal II, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 3-12-1997.

[No. L-12012/64/89-IR (B-II)]
SANATAN, Desk Officer.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD****PRESENT :**

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I. D. Act, 1947.**REFERENCE NO. 19 OF 1989.****PARTIES :**Employers in relation to the management of
Allahabad Bank and their workmen.**APPEARANCES :**On behalf of the Workmen : Shri G. C. Lodh,
Asstt. General Secretary.On behalf of the Employers : Shri Anil Kumar
Sinha, Law Officer.**STATE : Bihar. INDUSTRY : Banking.**

Dated, Dhanbad, the 28th November, 1997.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/64/89-D. 2(A), dated, the 14th August, 1989.

SCHEDULE

"Whether the action of the management of Allahabad Bank in not giving the benefit of pre-dating seniority to Shri Bindeshwar Paswan taking into consideration his time application to count his past temporary service with effect from 6-4-1976 in violation of para No. 8 of the Bipartite Settlement is justified ? If not, to what relief is the workman entitled ?"

2. In this case both the parties appeared and filed their respective W.S. documents etc. Subsequently at the stage of evidence both the parties appeared before me and the union representative filed a petition praying to pass a 'No dispute' Award to which the management has no objection. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference .

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 1997

का.आ. 3212 :—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धरा 17 के अनुसरण में, केन्द्रीय सरकार पूलियन थैक घॉक हडिया के प्रबन्धसंबंध के संबंध

नियोजकों और उनके अकर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण, नदी दिल्ली, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-1997 को प्राप्त हुआ था।

[सं. एन-12012/209/93-आई आर (बी-II)]
समाप्ति, डैस्क अधिकारी

New Delhi, the 4th December, 1997

S.O. 3212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India, and their workman, which was received by the Central Government on 3-12-1997.

[No. L-12012/209/93-I.R (B-II)]
SANATAN, Desk Officer.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI.

I. D. No. 21/94.

In the matter of dispute :

BETWEEN

Shri O. P. Kapoor S/o. Shri Ram Lubhaya,
R/o. 6888, Gali Minya wali, Beriwala
Bagh (Pull Bangash), Delhi.

Versus

Union Bank of India,
through Managing Director,
Head Office, 259, Backbay, Reclamation,
Nariman Point, Bombay—400 021.

2. Deputy General Manager,
Union Bank of India,
Zenal Office 26-28 D.,
Connaught Place,
New Delhi—110 001.

APPEARANCES :

Shri Amar Lal Dua alongwith the workman,
Miss Anuradha for Shri Pawan Behl for
the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/209/93-I.R. B-2, dated 17-2-1994 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the management of Union Bank of India, New Delhi was justified in dismissing Shri O. P. Kapoor, Sub-Staff from

service with effect from 30-10-1987 ? If not, what relief is the concerned workman entitled to ?"

2. The brief facts of this case as stated in the statement of claim are that the workman was initially working at Sadar Bazar Branch of the Management as Dafty. He was required to perform besides normal duties of a peon all the duties of Dafty as mentioned in the order. He had been performing these duties since 12-6-1976. The special allowance of the workman was withdrawn by Shri Gursharan Singh Disciplinary Authorities vide order dated 3-7-1985 with the mala fide intention to humiliate and harass him. He had been asked to perform the duties of a waterman which did not fall in the category of the duties of a Dafty and was being harassed unnecessarily by the Management. The charge sheet dated 23-9-1976 was served on the workman. The charges were totally unjustified, illegal, arbitrary and without any basis. The flimsy allegations against the workman were also made that the workman comes to the office without uniform despite several oral advices to him and that the workman has obtained medical certificate from the doctors on false grounds with a view to cover his absence from duty on 4 days. His 4 days pay was also withheld by the management wrongly. The enquiry was held against the workman on the charges levelled against him and Shri Gursharan Singh was Enquiry Officer. Shri Gursharan Singh was not fit and proper person to conduct the enquiry against the workman as he was inimical to him from the very beginning. The workman had not acceded to obey the private personal demands of Gursharan Singh and was punished by him in the previous enquiry. The workman had filed a Civil Suit regarding the findings in that enquiry and had also moved for change of the enquiry officer. The request for change of the enquiry officer was not acceded to by the management and Shri Gursharan Singh conducted the proceedings ex parte against the workman and found him guilty and sent show cause notice dated 29-9-1987 to the workman suggesting him punishment of dismissal. The workman was subsequently dismissed on 23-10-1987. He filed appeal against the said Order to the Appellate Authority but the same was also rejected.

3. The workman has challenged this enquiry being illegal and against the principles of natural justice and also the punishment imposed upon him by the management.

4. The Management in its written statement denied the allegations made by the workman in his statement of claim and alleged that the enquiry was conducted in a fair and legal manner. The workmen had conducted gross misconduct in disobeying lawful orders of his superiors and also minor misconduct in not showing proper consideration and courtesy towards officers and other employees of the Bank. It was further alleged that the punishment imposed upon the workman was according to the settled principles of natural justice and law and does not call for any interference at this stage.

5. The management has examined no witness in this case inspite of many opportunities having been given to them while the workman himself appeared as W. W. 1.

6. I have heard representatives for the parties and have gone through the record and also written arguments of the parties.

7. The representative for the management has mainly urged the points as stated in the written statement and also in his written arguments. He has urged that the enquiry against the workman was conducted accordingly to the principles of natural justice and nothing could be brought out by the workman from the documents on record that there was anything wrong in the procedure adopted by the Enquiry Officer. The workman was given opportunities to produce evidence and he had also cross-examined the witnesses.

8. The workman representative on the other hand has urged that the management has utterly failed to prove that the enquiry in this case was conducted in a fair and proper manner because neither the Enquiry Officer nor any other officer on his behalf has appeared in this case as a witness. No evidence has been produced by the management though many opportunities were given to the Management. He has urged that on the other hand workman has stated on oath and has also filed affidavit to the effect that the enquiry was not fair and proper and the Enquiry Officer was biased against him. The same enquiry officer had conducted and imposed punishment on the workman earlier which was a subject matter of several litigations between the parties. He had requested the disciplinary authority to change the enquiry officer but his request was not granted. The same enquiry officer has not now appeared in the court to stand the test of the cross-examination. The enquiry, therefore, stand vitiated.

9. After having gone through the points urged before me by the representatives of the parties, I am of the opinion that the management in this case has not been able to discharge the burden that laid on them to prove that the enquiry was conducted in a fair and proper manner. An issue to this effect that the enquiry was fair and proper was framed and the management was requested to file affidavit and produce its evidence. But even after availing 3 opportunities management failed to file affidavit or produce any evidence. The evidence of the management was ordered to be closed. The workman on the other hand has filed his affidavit and have also appeared in the witness box. The management has not been able to show any reason as to why they have not produced any evidence or even produce the enquiry officer. There is no reason to disbelieve the statement of the workman made on oath in the court and also contained in the affidavit filed by him in support of his contentions. I am satisfied from the evidence on record and from the statement of the workman that the enquiry was not conducted in a fair and proper manner.

10. The punishment granted to the workman has been dismissal from service and the grounds in the charge sheet against him are only basically his behaviour with the staff members. He was a dafty and he refused to supply water on the ground that it was not his duty. The grounds of misconduct was disobeying lawful and illegal orders of the superiors while the minor misconduct was failing to show

proper consideration and courtesy toward officers and other members of the bank. The punishment awarded to the workman seems to be harsh in comparison to the allegations made against him. Moreover, the enquiry conducted against him also does not stand valid as the same has not been proved before this Tribunal by the management. The workman has since retired from service and has put in long service in this bank as a Class IV employee. Keeping in view all those circumstances, I am of the opinion that the workman deserve to be reinstated with full back wages and continuity of service from the date of his termination till retirement as per rules. Parties shall, however, bear their own costs.

Dated : 25th November, 1997.

GANPATI SHARMA, Presiding Officer.

नई विल्ली, 4 विसम्बर, 1997

का.आ. 3213:—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-97 को प्राप्त हुआ था।

[सं. एस-12012/299/92-प्राई आर (वी-II)]
सनातन, डैस्क अधिकारी

New Delhi, the 4th December, 1997

S.O. 3213.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 3-12-1997.

[No. L-12012/299/92/IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 2 of 1993

PARTIES :

Employers in relation to the management of
Union Bank of India

And

Their Workman

PRESENT :

Mr. Justice A. K. Chakravarty—Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. P. K. Mukherjee, Advocate.

On behalf of Workman—Mr. Arun Maji, Advocate.

STATE : West Bengal. INDUSTRY : Banking

AWARD

By Order No. L-12012/299/92/IR(B. II) dated 11-12-1992 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Union Bank of India in dismissing the services of Sh. R. N. Boral w.e.f. 30-5-1985 is justified ? If not, to what relief is the workman entitled to ?"

2. The workman's case is that he was appointed as temporary Peon by the management of Union Bank of India on 30-6-1975 and after his confirmation he has been working as Watchman-cum-Peon in different branches of the said Bank. In April, 1984 the workman was posted at the Ezra Street Branch of the Bank. His son having been found to have been missing from his residence, he had to take loan from others for tracing him out. He obtained loans from three persons, one of whom happened to be an account holder of the Bank. The amount of loan was Rs. 1200 in all, Rs. 200 from one of them and Rs. 500 each from other two. He promised to repay the loans within a few days but he failed to do so. In November and December, 1984 the workman met the Assistant Branch Manager and the Branch Manager of Ezra Street Branch of the Bank and they directed him to return the money. The workman insisted that he had taken loan but the officers concerned refused to believe him and he was told that unless pay the money he will be handed over to the police and that if the money is paid back his case will be considered leniently and he would not be dismissed from service. The workmen had accordingly to write several letters and notes as per dictation of the Assistant Branch Manager and he was induced and compelled to make such admission which were not correct. He was compelled to deposit a sum of Rs. 700 with the Bank authorities by writing aforesaid notes,

On 27-11-1984 a show cause notice was issued upon the workman. Thereafter, on 22-12-1984 another show cause notice was issued upon him. He was assured by the Assistant Branch Manager and the Manager of the Branch that the show cause notices were mere formalities and a prepared letter as per dictation of the Assistant Branch Manager was put up before him for signature, which he did on 20-3-1985 a domestic enquiry was held in the matter, there the workman did not lead any evidence. He was however, asked to sign some papers and the workman and his representative signed those papers believing that they are mere formalities.

Thereafter, on 28-3-1985 the Bank issued a notice to the workman informing him that punishment of dismissal was proposed to be imposed upon him and the hearing of such proposal would be held on 13-4-1985. Though no hearing was held on that date, still then, the workman signed certain papers believing the same to be mere formalities. Thereafter, on June, 1985 the workman received a notice dated 13-6-1985 whereby he was informed that a punishment of dismissal was imposed upon him. In late April or early May, 1985 the workman was asked to meet the Superintendent of the Vigilance Section of the Bank. There too, the workman admitted his guilt as he was advised to do so by the Bank authorities under threat of loosing his service. He thus had to sign all the papers prepared by the Bank authorities.

After receiving the order of dismissal, the workman met the concerned officers of the Bank and he was advised to file an appeal before the appropriate authority. He preferred an appeal but it was rejected. The workman has alleged that the admission alleged to have been made by him do not represent the true state of affairs and they had been made as he was directed to do so by the Bank authorities on the assurance that he would be given lesser punishment.

The workman's positive case is that he had taken personal loans from those persons and the Bank authorities had no jurisdiction to interfere with or issue chargesheet in respect of such personal transactions of the workman. The workman accordingly challenged the chargesheet and the enquiry proceeding. The workman has further alleged that at any event the punishment imposed upon him is extremely harsh and indicated victimisation and that even in similar and graver circumstances the Bank authorities did not imposed the punishment of dismissal or removal from service. The workman has accordingly prayed for his reinstatement with full back wages.

3. In the written statement filed by the Bank, the allegations of the workmen were denied. It's positive case is that on 11-10-1984 the workman, while functioning as Watchman-cum-Peon in Ezra Street Branch of the Bank, unauthorisedly received from the Bank's customer Mr. Wasi Ahmed a sum of Rs. 500 for deposit of the same in the customer's S.B. Account No. 12892 and without depositing the money he misappropriated the same. The workman also unauthorisedly and wrongfully used the cash receiving stamp of the Bank and fixed the same in the 'pay-in' slip of the Bank and returned the counterfoil to the customer and destroyed the foil part of it with fraudulent intention of misappropriating the same. The misappropriation was detected on 19-11-1984 when the account holder's representative made a hue and cry in the Bank when the cheque drawn by him on the said account was returned at the counter for want of sufficient balance. After necessary enquiry it was found that the workman had received the money which he admitted and assured that he would return by 27 November, 1984. Again on 7th November, 1984 the workman in a similar manner

unauthorisedly received a sum of Rs. 100 which was to be deposited to one Mrs. Bharati Biswas's S.B. Account No. 11686 and he misappropriated the said amount without depositing the same by fraudulent user of Bank's cash receiving/pay-in stamp of the Bank. On 12 November, 1984 the workman again indulged in similar act of fraud by unauthorisedly receiving Rs. 100 from the said account holder Mrs. Bharati Biswas which was intended to be deposited in her S.B. Account No. 11686 and instead of depositing the said amount he misappropriated the same by fraudulently using the Bank's cash receiving stamp. On 12-12-1984 Mrs. Bharati Biswas made a complaint to the Branch Manager in respect of her two missing amounts. The workman was again called upon to answer the discrepancies and he admitted his misappropriation.

The workman was thereafter served with a chargesheet on the basis of which a domestic enquiry was held in strict conformity with the principles of natural justice. The workman was found guilty of the charges levelled against him in the chargesheet and though he was given full opportunity to defend himself, he admitted his guilt in all the above three cases. In view of the serious nature of the misconduct, the disciplinary authority proposed to impose the punishment of dismissal and issued show cause notice. After giving the workman personal hearing in the matter, he was dismissed from the service of the Bank on 30 May, 1985. The workman made appeal against the said order of dismissal and the appeal was rejected.

The management has further alleged that while the disciplinary proceeding against the workman was continuing, another incident of fraudulent act was committed by the workman. On 20-10-1984 the workman unauthorisedly received Rs. 2000 in cash from a customer alongwith relevant 'pay-in' slip for depositing the same in S.B. Account No. 8513 at the Ezra Street Branch of the Bank. The 'pay-in' slip was unauthorisedly stamped by the workman with "Received Payment". On the same day i.e., 20-10-1984 the workman got another 'pay-in' slip prepared for Account No. 8513 in the name of the account holder for cash deposit of Rs. 1000, not the 'pay-in' slip entered in the Cash Scroll. The workman also admitted the misappropriation.

The management has accordingly alleged that the workman was rightly dismissed from the service of the Bank for his gross misconduct by practice of fraud and misappropriation of the amounts intended to be deposited by the customers without depositing the same in the Bank. The Bank has accordingly prayed for dismissal of the workman's case.

4. Heard Mr. Mukherjee, Learned Advocate appearing for the management and Mr. Maji learned Advocate appearing for the workman.

5. Mr. Maji learned Advocate appearing for the workman submitted at the outset that the workman has no objection if the enquiry proceeding is accentuated as his client has nothing to complain against the legality and validity of the domestic enquiry. This

Tribunal accordingly directed the learned Advocate to produce a petition to the said effect and that having been filed before the Tribunal the legality the legality and validity aspect of the domestic enquiry remain unassailable and the only question that shall now come up for consideration is whether the disciplinary authority was justified in awarding the punishment of dismissal in the facts and circumstances in which the alleged offences were committed.

6. I have carefully gone through the enquiry proceeding and find that the offences for the commission of which the workman has been charged form only tip of an iceberg and it is difficult to unearth the number of other cases where the unsuspecting victims in the shape of bank's customers were the subject matter of the fraud committed by the workman concerned.

7. Learned Advocate for the workman submitted that in view of the admission of his guilt, the workman should be awarded lesser punishment. It was also submitted that upon consideration of the terribly mentally depressed condition of the workman, he was not in a position to understand the consequence of his own act which led him to commit alleged offences. It was also submitted that the workman having rendered long continuous service since 1975 and he being an ex-militarvman and that he has to retire from service within a very short period of time, the Tribunal should take an extremely lenient view in the matter of punishment for the alleged offences on the humanitarian consideration of saving him and his family from utter economic ruination and starvation.

8. There cannot be any hard and fast rule regarding the principle to be followed in awarding punishment nor can such punishment be always in proportion to the offence committed by the offender. It is certainly not an easy task to formulate such principles but this principle is well-settled that if the moral depravity of the offender, as reflected in the nature and manner of the offence committed, is of such a nature that it is shocking to the conscience then the offender should be awarded extreme punishment and any leniency in such matter by the Court or Tribunal would be failure of justice. Here the situation is extremely grave. The Bank as custodian of its customers' money, every staff of the Bank is expected to maintain strict discipline in the matter of handling of such money of the customers. The customers with their honest faith and belief leave their hard earned money in the custody of the Bank's officials and if such money is being misappropriated by the Bank's staff that is the worst form of betrayal of confidence imposed upon any financial institution. An ordinary offence of theft or misappropriation gets ten times multiplacated when it is committed by a staff of the said financial institution.

9. It is in the above light that the question is to be considered what should be the proper quantum of punishment in the instant case. The workman admittedly committed the offence of misappropriation as alleged against him in the chargesheet. The alleged grounds for taking a lenient view in respect of the offence committed was that the workman having lost

his mental balance due to the missing of his son that he committed the offence. This story in the written statement was not corroborated in his note before the Enquiry Officer where he stated that it was due to poverty that he incurred loan. The story of taking loan from the customers of the Bank is a cock-and-bull story and the workman did not take any step to prove the same. The depravity of the workman will be at once apparent when it is found that even during the pendency of the enquiry proceeding he did not cry any halt to his immoral practice of commission of similar fraudulent activities in case of other customers and misappropriating their money thereby.

10. Awarding of punishment always work very harshly upon the offender. It may be that the workman has a family to maintain or that he is to retire very soon from service or that the award of extreme punishment of dismissal may visit his family with economic ruination and starvation. still then, the Tribunal cannot loose sight of the fact of extreme depravity in the character of the offender and the consequent loss of faith of the public upon the financial institution. Such person cannot be allowed to remain in service despite the nature and character of the offences committed by him. The workman, if reinstated in service by the order of the Tribunal, may again indulge in such malpractices because commission of such malpractice has almost became his habit and such habit forms his second nature.

11. So, upon consideration of the gravity of the nature of the offence committed by the workman specially in relation to a financial institution where the people repose their faith unhesitatingly that I am of the opinion that imposition of the penalty of dismissal from service with effect from 30-5-1985 upon the workman was just, proper and proportionate to the offence committed by the workman. I accordingly do not find any reason to interfere with the punishment awarded by the disciplinary authority in this case.

This is my Award.
Dated: Calcutta,
The 21st November, 1997.

A. K. CHAKRAVARTY, Presiding Officer
नई दिल्ली, 4 दिसम्बर, 1997

का.प्रा. 3214.—श्रीदीगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यारोपण में, केन्द्रीय सरकार नेशनल इंड्योरेन्स कॉ. लि. के प्रबन्धनाल के संबद्ध नियोजकों और उनके कम्पनियों के बीच, अनबास्थ में निर्दिष्ट श्रीदीगिक विवाद में केन्द्रीय सरकार श्रीदीगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-97 को प्राप्त हुआ था।

[सं. एल-17012/36/95-आई आर (बी -II)]
समाचार, बैंक अधिकारी

S.O. 3214.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workman, which was received by the Central Government on 3-12-1997.

[No. L-17012/36/95-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 10 of 1997

PARTIES :

Employers in relation to the management of National Insurance Company Limited

AND

Their workman

PRESENT :

Mr. Justice A. K. Chakravarty—Presiding Officer.

APPEARANCE:

On behalf of Management.—Mr. D. K. Ghosh, Advocate with Mr. P. Pathak, Advocate.

On behalf of Workman.—None.

STATE : West Bengal. INDUSTRY : Insurance

AWARD

By Order No. L-17012/36/95-IR B-II dated 4-3-1997 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of National Insurance Co. Ltd. in terminating the services of Shri Prabir Kr. Dhar, Ex-pump operator on and from 20-8-1992 without following the provisions of section 25-F of the I. D. Act. 1947 is justified ? If not, to what relief is the workman entitled?"

2. When the case is called out today none appears for the workman even though the management is represented by the learned Advocate. The workman is to file written statement complete with relevant documents, list of reliance and witnesses today. It appears from the record that on the last occasion the workman appeared personally and took time to file the written statement etc. It is accordingly clear that the workman is no longer interested in the matter.

3. In the aforesaid circumstances, in the absence of any material on record what-so-ever for any decision of the issue under reference, this Tribunal has no other alternative but to pass a "No Dispute" Award in this case.

4. A "No Dispute" Award is accordingly passed and the reference is disposed of.

This is my Award.

Dated, Calcutta,
The 25th November, 1997.

A. K. CHAKRAVARTY, Presiding Officer

मई दिल्ली, 25 नवम्बर, 1997

का.या. 3215—आधारिक विवाद प्राधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, कन्द्राय सरकार भोजपुरी इलाहाबाद सिविल, इलाहाबाद के प्रबन्ध सदन के सचिव श्रीमोर्जका भाई उत्तर कमिकारा के बाच, अनुबंध में नियमित आधारिक विवाद में कन्द्राय सरकार आधारिक आधिकारण, कानपुर के पचाट का प्रकाशित करता है, जो कन्द्राय सरकार का 20-11-97 का अनुद तृतीय था।

[स. एल-14012/24/96-आइ आर (ईयू)]

क.वा.वा. उपर्युक्त, इसके अंतर्गत

New Delhi, the 25th November, 1997

S.O. 3215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby passes the award of the Central Government in favour of the employers, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Engineering Service, Allahabad and their workman, which was received by the Central Government on the 25-11-97.

[No. L-14012/24/96-IR(DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, DEOKI
PALACE ROAD, PANDU NAGAR, KANPUR, U.P.-248005
In the matter of dispute between :

Commander Works Engineer
Military Engineering Service
Cantonment Allahabad U.P.

AND

Sri Darbari Lal
President
M.E.S. Workers Union
Village & Post Manauri
District Allahabad U.P.
Industrial Dispute No. 45 of 1997.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-14012/24/96 IR (DU) dated 25-2-97, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Military Engineering Service, Allahabad in terminating the services of Sri Rajendra Kumar Singh, casual labour is legal and justified ? If not to what relief the workman is entitled to ?

2. The case of the concerned workman Rajendra Kumar Singh is that he was engaged as a Pump Attendant on temporary basis on 26-2-85 by the opposite party Chief Engineer, Military Engineering Services Lucknow for working under the control Commandant Works Engineer Military Engineering Service Allahabad. This appointment was for

89 days which was extended to 205 days from time to time. Model Standing Orders apply to this department. In terms of Clause 15 of Model Standing Orders after working for six months he was entitled for regularisation. Yet instead of regularising him the opposite party illegally removed him from service without any rhyme or reason which is bad in law.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was engaged for a fixed period of 89 days thereafter no work was taken from him. It is denied that Model Standing Orders apply to this department. The concerned workman has been found fit in the trade test in 1987 and he has been empanelled.

4. In the rejoinder nothing new has been alleged.

5. In the first place it is to be seen that provisions of Model Standing Orders apply to this department or not. In this regard the concerned workman has filed copy of letter dated 22-3-82, issued by Under Secretary, Government of India, Ministry of Defence, by which it was informed that in the Ministry of Defence Model Standing Orders would applicable. In order to negative this fact the management has filed the copy of clarification dated 28-2-96, issued by one R. S. Kanwar for Engineer-in-Chief by which it was clarified that this department is not covered by the term of Industry hence this department is not governed by the provisions of Industrial Disputes Act, 1947. This clarification relates to the period which is much subsequent to the date of accrual of cause of action. In the absence of any thing to the contrary till 1980 it will be deemed that provisions of the Model Standing Orders as given in the letter dated 22-3-82 would hold the field. Accordingly, it is held that the provisions of Model Standing Orders did apply to the opposite party, Military Engineering Service, when the concerned workman was engaged and removed from service.

6. The father of the concerned workman Darbari Lal W.W.I has stated that the concerned workman has worked for 205 days. In support of which he has filed Ext. W-1 the list of candidates who were to be tested. In this list the concerned workman is shown to have worked for 205 days. In view of this overwhelming evidence I come to the conclusion that the concerned workman had worked for 205 days and not for 89 days only.

7. Para 15 of this Model Standing Order lays down that when a casual labour has worked continuously for six months it will be deemed that he has been regularised. Thus the concerned workman had acquired the status of a regular employee. He could not have been removed from service without affording any show cause notice or for any other reason. In other words he could not have been removed from service without any reason.

8. Accordingly my award is that removal of the concerned workman from service is bad in law and he will be entitled for appointment again within one month from the date of publication of the award.

Dated 11-11-1997.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 5 विसम्बर, 1997

फांग्रा० 3216.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिपाटमेन्ट ऑफ टेलीकॉम नई दिल्ली के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कमंकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-97 को प्राप्त हुआ था।

[सं.एल-40012/57/94-प्राइंग्रा० (भी पू.)]
के०वी०बी. उपर्यो, डैस्क अधिकारी

New Delhi, the 5th December, 1997

S.O. 3216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecom., New Delhi and their workman, which was received by the Central Government on 5-12-97.

[No. L-40012/57/94-I.R(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA,
PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 23/95

In the matter of dispute :

BETWEEN

Shri Ravi Balmiki
C/o. Shri D. N. Chaturvedi,
Advocate Chamber No. 350,
Pawala House Courts,
New Delhi-110001.

Versus

The Asstt. Engineer (Civil) (Duct Constrn.),
North Mahanagar Telephone Nigam Limited,
Paschim Vihar (Sunder Vihar),
New Delhi-110041.

APPEARANCES :

Workmen in person.

Shri Dinesh Agnani for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/57/94-I.R. (D.U.), dated 7-2-95 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of MTNL i.e. Asstt. Engineer, Duct Constrn. Civil (North) Paschim Vihar, New Delhi-110041 in terminating the services of Shri Ravi Balmiki S/o Shri Saprilal w.e.f. 21-9-93 is justified ? If not, what relief the concerned workman is entitled to ?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vai-kam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T Department|Tele-communication being not an 'Industry'. It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential Part of the sovereign functions of the State as a Welfare State. It is not, therefore, an industry."

3. In view of this situation since the Management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

1st December, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 5 विसम्बर, 1997

का०आ० 3217:—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ जनरल मैनेजर एम०टी०एन०एल०, नई दिल्ली के प्रबन्धतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-97 को प्राप्त हुआ था।

[एल-40012/254/94-प्राई०आ० (झी.यू.)]
क०वी० बी० उण्णी, डैस्क अधिकारी

New Delhi, the 5th December, 1997

S.O. 3217.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Genl. Manager, MTNL, New Delhi and their workman, which was received by the Central Government on 5-12-97.

[No. L-40012/254/94-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA,
PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 16/96

In the matter of dispute :

BETWEEN

Shri Ram Narayan Saini,
S/o Shri Mange Ram,
R/o. House No. 127-B, School Road,
Ram Pura, Delhi-110035.

Versus

The Chief General Manager,
Mahanagar Telephone Nigam Ltd.,
Khurshid Lal Bhawan,
Janpath, New Delhi-110001.

APPEARANCES :

None—for the Workman

Shri Dinesh Agnani—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/254/94-I.R. (D.U.), dated 6-2-96 has referred the following industrial dispute to this Tribunal for adjudication :-

"Whether the action of the management of Chief General Manager, MTNL, New Delhi in terminating the services of Shri Ram Narain Saini, casual sweeper (safai karamchari) is fair, just and legal ? If not, what relief the workman concerned is entitled to ?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vai-kam and others Vs. Theyyam Joseph etc. laid down the law regarding P & T Department|Tele-communication being not an 'Industry'. It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential Part of

the sovereign functions of the State as a Welfare State. It is not, therefore, an industry."

3. In view of this situation since the Management is not an industry so the reference under Section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate Court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

1st December, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 विसम्बर, 1997

का आ 3218:—श्रीदौगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब-डिविजन श्राफिसर, (फोन्स), अजमेर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीदौगिक विवाद में केन्द्रीय सरकार श्रीदौगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[सं एल-40011/15/88-डी 2 (बी)]
के. बी. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 8th December, 1997

S.O. 3218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer (Phones), Ajmer and their workmen, which was received by the Central Government on 8-12-1997.

[No. L-40011/15/88-D.II (B)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 103/89

In the matter of dispute :

BETWEEN

Shri Dinesh Kumar and others through Sachiv, Bhartiya Dak Tar Mazdoor Manch, Mandal Shakha, In Front of Ram Dwar, Ajmer Road, Pushkar (Ajmer)-305001.

Versus

Sub-Divisional Officer, Phones, Ajmer-305001.

APPEARANCES :

Shri C. P. Aggarwal—for the workman.

Shri Mukundi Lal—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40011/15/88-D.II (8) dated 5-10-89 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Sub-Divisional Officer-Phones Ajmer in terminating the Services of S/Shri Dinesh Kumar, Babuiai, Gopal Singh, Rattan Singh, Badha Baghwan, Babu Singh, Ram Dhan, Jitendra Kumar, Pushkar Singh casual workmen w.e.f. 1-6-88 is legal and just. If not to what relief are the workmen entitled to?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P and T department/Telecommunication being not an 'Industry' It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under Section 10 I. D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

Dated : 1st December, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 विसम्बर, 1997

का. आ. 3219:—श्रीदौगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम टी एन एल नई दिल्ली के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीदौगिक विवाद में केन्द्रीय सरकार श्रीदौगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[सं. एल -40012/2/91-डी 2 (बी)]
के. बी. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 8th December, 1997

S.O. 3219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.T.N.L., New Delhi and their workmen, which was received by the Central Government on 8-12-1997.

[No. L-40012/2/91-D.II (B)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 102/91

In the matter of dispute :

BETWEEN

Shri Vijay Pal Singh S/o Shri Devi Singh
R/o SRS-271 Nagal Dewat, near Indra Gandhi International Airport, New Delhi-37.

Versus

1. The Management of M/s. Mahanagar Telephone Nigam Ltd., Kidwai Bhawan, Janpath, New Delhi.
2. Asstt. Engineer, C.P., Mahanagar Telephone Nigam Ltd., J W Con. Place, Telex Exchange Con. Place, New Delhi.

APPEARANCES :

Shri H. K. Pathak—for the workman.

Shri S. Pat Joshi—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/2/91-D.II (B) dated 28-8-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of M.T.N.L. in terminating the services of Shri Vijay Pal Singh from December, 1988 is justified? If not, what relief the workman concerned is entitled to?"

2. The Hon'ble Supreme Court in case 1996 T.R. 483 Sub Divisional Inspector of Posts, Vaikam and others Vs. Thevam Joseph etc laid down the law regarding P and T department/Telecommunication being not an Industry? It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under Section 10 I. D. Act is not maintainable to this Tribunal. However the parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer

मही दिल्ली, 8 दिसम्बर, 1997

का प्रा 3220:—प्रौद्योगिक विभाग अधिनियम, 1947 (1947 का 14) की मार्ग 17 के प्रत्ययमात्र में, केन्द्रीय सरकार रिक्विजिनल इंजीनियर, टेलीफोन (प्रोजेक्ट) एंट्री इंजीनियर नेटवर्क, लाबनक के प्रबन्धाताव के संबंध नियोजकों और उनके काम्पनियों के बीच, लाबनक में निहिल प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक आयोगरण, मही दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[सं. एस-40012/36/91-प्राप्त प्राप्त (ठी प.)]
के.वी. वी. उष्णी, ईस्ट अधिकारी

New Delhi, the 8th December, 1997

S.O. 3220.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divnl. Engineer, Telecom (Project), Integrated Digital Network Lucknow and their workman, which was received by the Central Government on 8-12-1997.

[No. L-40012/36/91-IR (DU)].
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 113/91

In the matter of dispute :

BETWEEN

Shri Dalip Ram Arya S/o Shri Bachhi Ram Arya through Smt. Savitri Devi Arya B.H.W. Village Chhani P.O. Lavesal, District Almorah.

Versus

Divisional Engineer Telecom (Project)
Integrated Digital Network,
9 Beni Prasad Marg, Lal Bagh,
Lucknow-226001.

APPEARANCES :

Shri Partap Rai—for the workman.

Shri B. C. Lehri Telecom Office Asstt.—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/36/91-I.R (D.U.) dated 24th September, 1991 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the Divisional Engineer, Telecom (Project) Integrated Digital Net Work, Lucknow in terminating the services of Shri Dalip Ram Arya S/o Shri Bachhi Ram Arya w.e.f. 17-2-90 (AN) is legal and justified? If not, to what relief the workman is entitled to?"

2. The Hon'ble Supreme Court in case 1996 T.R. 483 Sub Divisional Inspector of Posts, Vaikam and others Vs. Thevam Joseph etc. laid down the law regarding P and T department Telecommunication being not an 'Industry' it was held as follows :—

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under Section 10 I. D. Act is not maintainable to this Tribunal. However the parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

Dated : 1-12-1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1997

का.आ० 3221:—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नई दिल्ली, टेलीफोन्स निगम लिमि., नई दिल्ली के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[सं० एल-40012/37/90-प्राई आर (डी.यू.)
के०वी० बी० उण्णी, इैस्ट अधिकारी

New Delhi, the 8th December, 1997

S.O. 3221.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Delhi Telephones Nigam Ltd., New Delhi and their workmen, which was received by the Central Government on 8-12-1997.

[No. L-40012/37/90-JR (DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI
I. D. No. 78/90

In the matter of dispute :

BETWEEN

Shri Sat Pal Bali S/o Shri G. N. Bali,
R/o WZ-20, Virender Nagar, New Delhi-18.

Versus

- Union of India through Secretary, Ministry of Communication, Department of Telecommunication, Sanchar Bhawan, New Delhi-110001.
- The Chief General Manager, Muzhanagar Telephone Nigam Limited, Khurshid Lal Bhawan, Janpath, New Delhi-110001.
- Sub-Divisional Officer, (Telephone) II, Karol Bagh Telephone Exchange, Bentex Tower, Naraina, New Delhi.

APPEARANCES :

Workman in person.

Shri N. C. Sikri alongwith Shri A. K. Chaudhary...for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No L-40012/37 90-JR (DU) dated 27-7-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Delhi Telephones Nigam Ltd. New Delhi in terminating the services of Shri Sat Pal Bali, daily rated mazdoor w.e.f. 20-9-80 is justified ? If not, what relief the workman is entitled to?"

2 The Hon'ble Supreme Court in case 1996 L.R. 483 Sub Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P and T

department/Telecommunication being not an 'Industry' It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under Section 10 I. D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

Dated : 1-12-1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1997

का.आ० 3222—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिवीजनल इंजीनियर, टलीकॉम (प्रोजेक्ट) इन्टेरेड डिजीटल नेटवर्क, लखनऊ के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[सं० एल-40012/37/91-प्राई आर (डी.यू.)]

के.बी.बी. उण्णी, इैस्ट अधिकारी

New Delhi. the 8th December, 1997

S.O. 3222.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dvn. Engineer, Telecom (Proj.), Integrated Digital Network, Lucknow and their workmen, which was received by the Central Government on the 8-12-97.

[No. L-40012/37/91-JR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 133/91

In the matter of dispute between :

Shri Raiendra Prasad s/o Shri Nain Ram
c/o Smt. Sarawati Devi Arora B.H.W.
Village Chhuni P.O. Lawesal (Chonada)
District Almora (U.P.)

Versus

Division Engineer Telecom (Project)
Integrated Digital Network.
9, Beni Prasad Marg, Lal Bagh,
Lucknow-226001.

APPEARANCES :

Shri Partap Rai for the workman.

Shri B. C. Lehri Telecom Office Asstt.
for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/37/91-I.R. (D.U.) dated 30-9-91 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of Divisional Engineer, Telecom (Project) Integrated Digital Net Work Lucknow in terminating the services of Shri Rajinder Prasad & Shri Nain Ram w.e.f. 28-2-90 is justified ? If not, what relief the workman is entitled to ?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P&T department/Telecommunication being not an 'Industry' it was held as follows :—

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a Welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I. D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 दिसंबर, 1997

का.आ. 3223—शैयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महानगर टेलीफोन निगम निमिटेड, नई दिल्ली के प्रबंधनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में, निर्दिष्ट शैयोगिक विवाद में शैयोगिक अधिकार, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[मं. पल-40012/39/95-आई आर (डीयू)]
के. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 8th December, 1997

S.O. 3223.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (id c' 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mahanagar Telephone Nigam Ltd., New Delhi and their workmen, which was received by the Central Government on 8-12-97.

[No. L-40012/39/95-I.R. (D.U.)]

V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI

I. D. No 3596.

In the matter of dispute

BETWEEN

Shri Kailash Chand & Shri Patram Singh,
Plot House No. 197/C/2 Savitri Nagar,
Post Office Malviya Nagar, New Delhi.

versus

Mahanagar Telephone Nigam Ltd.,
Khurshid Lal Bhawan,
Karturba Gandhi Marg.,
New Delhi.

APPEARANCES :

Workman in person,

Shri Dinesh Agnani for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/39/95-I.R. (D.U.) dated 28th March, 1996 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of MTNL, New Delhi in terminating the services of Shri Kailash Chand is justified ? If not, to what relief the concerned workman is entitled to ?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P&T department/Telecommunication being not an 'Industry' it was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I. D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of her grievance according to law. Parties are left to bear their own costs.

1-12-97.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 दिसंबर, 1997

का.आ. 3224—शैयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मीनियर सुपरिटेन्डेंट ऑफ पोस्ट आफिस, दिल्ली छिवीजन (नार्थ), दिल्ली के प्रबंधनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट शैयोगिक विवाद में शैयोगिक अधिकार, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[मं. पल-40012/55/93-आई आर (डीयू)]
के. बी. उण्णी, डैस्क अधिकारी

New Delhi, the 8th December, 1997

S.O. 3224.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Offices, Delhi Divn. (North), Delhi and their workman, which was received by the Central Government on the 8-12-97.

[No. L-40012/55/93-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI,

I. D. No. 101/94

In the matter of dispute :

BETWEEN

Shri Dharmender Kumar through
The General Secretary,
Delhi Labour Union,
Aggarwal Bhawan,
G. T. Road,
Tis Hazari,
Delhi-110054.

Versus

The Superintendent,

Post Offices,
Post & Telegraph Department,
Old Secretariate, Mai Road.
Delhi.

APPEARANCES :

Shri C. P. Aggarwal for the workman.
None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/55/93-I.R.(DU) dated 25-7-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Sr. Supdt. of Post Office, Delhi Division (North) Delhi in not regularising the services of Shri Dharmender Kumar on permanent basis and in terminating his services w.e.f. 18-6-1992 is proper, legal and justified. If not, to what relief the workman concerned is entitled to?"

2. The Hon'ble Supreme Court in case 1996 I.L.R. 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyain Joseph etc. laid down the law regarding P&T department Telecommunication being not an 'Industry'. It was held as follows :

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I. D. Act is not

maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear 26th Nov., 1997.

26th Nov., 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1997

का.आ. 3225—श्रीचौर्यिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी. ई. टी., अलीगढ़ के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट श्रीचौर्यिक विवाद में श्रीदेविक अधिकारण, नई दिल्ली के पंचाट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 8-1-97 प्राप्त था।

[मे पाल-40012/92/92-प्रार्द्ध आर (डीयू)]
के. वी. वी. उणी, इम्फ अधिकारी

New Delhi, the 8th December, 1997

S.O. 3225.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.E.T. Aligarh and their workman, which was received by the Central Government on the 8-12-97.

[No. L-40012/92/92-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 43/94

In the matter of dispute :

BETWEEN

Shri Anil Kumar s/o Rama Shanker
through Shri V. K. Gupta, 2/363,
Namner, Agra (U.P.).

Versus
D.E.T., Door Sanchar Vibhag,
Aligarh-202001.

APPEARANCES :

None for the workman.
Shri Kayam Singh for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/92/92-I.R. (D.U.) dated 5-5-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of D.E.T. Aligarh in terminating the services of Shri Anil Kumar, s/o Shri Rama Shanker is legal and justified ? If not, what relief he is entitled to?"

2. the case was fixed for arguments when the representative for the management has brought to my notice a judgment of Hon'ble Supreme Court of India reported in 1996 I.L.R. 483 in which it was held as follows :

"Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitu-

tution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity, and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation the management is covered under the judgment of the Hon'ble Supreme Court and as such is not an "Industry". The Industrial dispute Act would not apply in this case. On this ground alone the reference made by the Government is dismissed as this court has got no jurisdiction. However, workman is at liberty to approach the appropriate authority for redressal of his grievance. The parties are left to bear their own costs.

1st Dec. 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1997

का.आ. 3226—श्रीद्वयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम. टी. एन. लिमि., नई दिल्ली के प्रबंधतत्व के संबंद्ध मियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीद्वयोगिक विवाद में श्रीद्वयोगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[संल-40012/93/90-आई आर (डीयू)]
के. वी. वी. उर्णी, डैम्क अधिकारी

New Delhi, the 8th December, 1997

S.O. 3226.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.T.N. Ltd., New Delhi and their workman, which was received by the Central Government on the 8-12-97.

[No. L-40012/93/90-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 141/90

In the matter of dispute between :

Shri Om Parkash Rana,
r/o 9/179, Durga Market,
Khichri Pur, Delhi-110091.

Versus

S.D.O. Divisional Engineer (P),
Mahanagar Telephone Nigam Limited,
Janpath Exchange, Connaught Place,
New Delhi-110001.

APPEARANCES :

Shri A. C. Narang for the workman.
None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/93/90-I.R.(D.U.) dated 20/30-11-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of MTNL New Delhi awarding punishment of dismissal to Shri

Om Parkash Rana, daily rated mazdoor vide order dated 9-8-89 was justified ? If not, to what relief the workman is entitled to?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P&T department/Telecommunication being not an 'Industry'. It was held as follows :—

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I.D. Act is not maintainable to this Tribunal. However parties are at liberty to approach any appropriate court forum for redressal of their grievance according to law. Parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer

1st Dec. 1997

नई दिल्ली, 8 दिसम्बर, 1997

का.आ. 3227—श्रीद्वयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर टेलीकॉम (नार्थ), बरेली के प्रबंधतत्व के संबंद्ध मियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्वयोगिक विवाद में श्रीद्वयोगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[संल-40012/111/90-आई आर (डीयू)]
के. वी. वी. उर्णी, डैम्क अधिकारी

New Delhi, the 8th December, 1997

S.O. 3227.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Director Telecom (North) Bareilly and their workman, which was received by the Central Government on the 8-12-97.

[No. L-40012/111/90-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 26/94

In the matter of dispute BETWEEN

Smt. Shashi Kanta Rishi through
Shri Bhola Nath Aggarwal,
252/10, Shastri Nagar,
Kanpur-208001.

Versus

Director Telecom,
North, Bareilly-243122.

APPEARANCES :

Shri Deepak Sinha on behalf of Shri C. P. Aggarwal
for the workman.

None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/111/90-I.R.(D.U.) dated 23/31-1-91 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the Director Telecom (North) Bareilly in engaging Smt. Shashi Kanta Rishi as casual labour and utilising as Typist and not absorbing her in regular service and terminating her services in October, 1989 is justified ? If not, what relief she is entitled to and from what date ?"

2. It has been brought to my notice by the representative for the Management that the Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. has declared that the P&T department/Telecommunication is not an "Industry".

3. The representative for the workman has, however, referred to 1978 S.C.C. (L&S) 215 Bangalore Water Supply and Sewerage Board Ltd. Vs. A. Rajappa & Others in which Section 2(j) of the I. D. Act reads as under :—

"Section 2(j) of the Industrial Disputes Act, 1947 defines industry to mean any business, trade, undertakings, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workman. On the question as to what falls within and what falls outside the statutory concept of 'Industry'."

4. The ruling referred by the Ld. representative for the workman is of the year 1978 while the Hon'ble Supreme Court in its latest judgment of 1996 LLR 483 held as follows :—

"Held Directive principles of State policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as a welfare State. It is not, therefore, an industry."

5. In view of this situation since the management is not an industry so the reference under section 10 I.D. Act is not maintainable to this Tribunal. However parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law. Parties are left to bear their own costs.

1st December, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1997

का.आ. 3228—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 7 के अनुसरण में, केन्द्रीय सरकार महानगर टेलीफोन निगम लिमि. नई दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[सं. पल-40012/112/92-आई आर (डीपू)]
के. बी. वी. उण्णी, डैस्क अधिकारी

New Delhi, the 8th December, 1997

S.O. 3228.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mahanagar Telephone Nigam

Ltd., New Delhi and their workman, which was received by the Central Government on the 8-12-97.

[No. L-40012/112/92-I.R(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 76/93

In the matter of dispute :

BETWEEN

Shri Brahmjeet s/o Shri Shiv Narain,
Village Chirsi, P.O. Bhatia, District Bulandshahar,
(U.P.)-203001.

Versus

General Manager,

Mahanagar Telephone Nigam Ltd.,
Kidwai Bhawan, Janpath, New Delhi-110001.

APPEARANCES :

Shri D. S. Garg for the workman.

None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/112/92-I.R. (D.U.) dated nil has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Mahanagar Telephone Nigam Ltd., in terminating the services of Shri Brahmjeet, daily rated mazdoor, w.e.f. 4-3-91 is legal and justified ? If not, what relief the concerned workman is entitled to ?"

2. The Hon'ble Supreme Court in case 1996 LLR 483 Sub-Divisional Inspector of Posts, Vaikam and others Vs. Theyyam Joseph etc. laid down the law regarding P&T department, telecommunication being not an 'Industry' it was held as follows :—

"Held Directive principles of State Policy enjoin on the State diverse duties under Part IV of the Constitution and the performance of the duties are constitutional functions. One of the duty is of the State to provide telecommunication service to the general public and an amenity and so is one essential part of the sovereign functions of the State as welfare State. It is not, therefore, an industry."

3. In view of this situation since the management is not an industry so the reference under section 10 I.D. Act is not maintainable to this Tribunal. However, parties are at liberty to approach any appropriate court or forum for redressal of their grievance according to law.

Parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer

1st December, 1997

नई दिल्ली, 26 नवम्बर, 1997

का.आ. 3229 :—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, शांसी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[संख्या पल-41012/95/91-आई आर (डीपू)]
पी.ओ.जे.० माईक, डैस्क अधिकारी

New Delhi, the 26th November, 1997

S.O. 3229.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in the management of Central Railway, Jhansi and their workman, which was received by the Central Government on the 24-11-97.

[No. L-31012/95/91-IR(DU)/B-I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 107 of 1992

In the matter of dispute between :

Sri Surendra Singh,
President Rashtriya Chaturth Shreni Rail Mazdoor
Congress,
4, Hirapura Nagra Jhansi

AND

Sr. Divisional Engineer (R)
Central Railway,
Jhansi

AWARD

1. Central Government Ministry of Labour, New Delhi, vide notification no. L-41012/95/91-IR(DU) dt. 7-9-92 has referred the following dispute for adjudication—

"Whether the action of Sr. Divisional Engineer (R) Central Railway Jhansi in terminating the services of Sri Om Prakash w.e.f. 20-3-87 is justified ? If so what relief he is entitled to ?"

2. The case of the concerned workman Om Prakash is that he was engaged as MRCL on 3-10-85, with the opposite party Central Railway and he had completed 120 days in service. In this way he had acquired temporary status. Still the management illegally terminated his services w.e.f. 20-3-87. In doing so they have committed breach of provisions of section 25F, G & H of I.D. Act.

3. The opposite party has filed reply in which it is not disputed that the concerned workman had worked from 31-10-85 to 19-3-87. In fact he was not removed from service. Instead he absented himself w.e.f. 21-3-87 without any leave or intimation. In this way it is a case of abandonment.

4. In the rejoinder nothing new has been alleged.

5. In support of his case the concerned workman Om Prakash WW-1 has examined himself and has proved his continuous employment. In rebuttal the opposite party has not adduced any evidence inspite of several opportunity having been afforded to them.

6. From the above pleadings of the parties and evidence it is clear that number of working days of the concerned workman are not in dispute between the parties. It is only to be seen if the concerned workman had abandoned the job from 21-3-87. The burden to prove was with the management. They have failed to prove this fact by adducing any evidence. On the other hand the concerned workman has deposed that he was removed from service. Hence my finding is that the concerned workman has not abandoned the service. Instead he was removed from service.

7. Admittedly he had worked for more than 240 days in a year as is obvious from the case of the parties. Further no notice of retrenchment compensation was paid to him.

Hence his termination is bad being in breach of section 25F of I.D. Act.

8. There is no evidence to prove the breach of provisions of sec(s) 25H and 25G of the I. D. Act.

9. In the end my award is that the services of the concerned workmen were wrongly terminated and he is entitled for reinstatement with back wages from the date of reference.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 26 नवम्बर, 1997

का०आ० 3230.—ओद्योगिक विवाद अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मेन्ट्रल रेलवे, इसी के प्रबद्धतंत्र नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निरिट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[संख्या प्रल-41012/45/93-आई०आ० बी०-3/बी०]

पी०जे० माईकल, डैस्क अधिकारी

New Delhi, the 26th November, 1997

S.O. 3230.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workman, which was received by the Central Government on the 24-11-1997.

[No. L-41012/45/93-IR B3/B1]

P. J. MICHAEL, Desk Officer

To,

ANNEXURE

BEFORE SRI B K SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 15 of 1995.

In the matter of dispute between :

Sri Surendra Singh, President, Rashtriya Chaturth Shreni Rail Mazdoor Congress (Intuc) 4 Hirapura Nagra, Jhansi.

AND

Divisional Railway Manager, Central Railway, Jhansi.

AWARD

1. Central Government Ministry of Labour, New Delhi, vide notification no. L-41012/45/93-IR B-3 dated 13-1-1995, has referred the following dispute for adjudication to this Tribunal—

Kya Mandal Rail Piabandhak Central Railway Jhansi dwara Sri Ashok Kumar ko dinank 9-8-90 se sewa se nishkashit karna nyayochit hai ? Yadi nahi to piabandhit karmkar kis anutosh ka haqdar hai ?

2. The case of the concerned workman Ashok Kumar is that he was engaged as MRCL on 11-6-85 and he worked for more than 120 days. In this way he had acquired tem-

porary status. Yet he was wrongly removed from service on 9-8-90 in breach of section 25FG and II of I.D. Act which is bad in law.

3. The opposite party has filed reply in which it was denied that concerned workman had acquired temporary status. In fact he has filed a petition before Central Administrative Tribunal Allahabad hence this petition is not maintainable. The concerned workman was engaged as seasonal water man for summer season. He was not a regular employee. Hence question of acquiring temporary status does not arise.

4. In the rejoinder nothing new has been alleged.

5. In support of his case, the concerned workman Ashok Kumar W.W.I has examined himself. He has stated that he had continuously worked from 11-6-88 to 8-8-90 as MRCL. In his cross examination he has stated that earlier he had worked as watch man. He worked as seasonal waterman. When he was removed from the post of chowkidar earlier he has not sent any complaint to any one. On the other hand B B Asthana an officer of railway has stated that concerned workman was engaged only as seasonal water man for the last time. The evidence of this witness finds support from the admission of the concerned workman who has stated in his cross-examination that he has worked as seasonal waterman. In my opinion, a seasonal waterman has not any right whatsoever as his services came to an end by the end of season. In this way breach of provision of section 25G & H of I.D. Act does not arise.

6. Hence, my award is that as the term of concerned workman came to an end automatically by the end of summer season he was not removed from service. Hence question of removal from service in breach of any law does not arise. Consequently the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 नवम्बर, 1997

काठआ० 3231.—आईडीएक्सिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सेन्ट्रल एन्ड्रेज आंसोरी के प्रबन्धतंत्र के मंबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आईडीएक्सिक विवाद में केन्द्रीय सरकार आईडीएक्सिक अधिकरण, कानून के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[मंख्या एन-41011/13/93-आईडीएक्सिक (बी०-१)]

पी०ज०माइकल, ईस्क र्भाईकरी

New Delhi, the 28th November, 1997

S.O. 3231.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workman, which was received by the Central Government on 24-11-97.

[No. L-41011/13/93-JR (B.I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 24 of 1995

In the matter of dispute between:
Surendra Singh

President Rashtriya Chaturth Rail Mazdoor Congress

4 Hirapura Nagra
Jhansi.

AND

Divisional Railway Manager
Central Railway, Jhansi.

AWARD

1. Central Goverment, Ministry Ministry of Labour, vide notification no. L-41011/13/93/RB-I dated 7-2-95 has referred the following dispute for adjudication to this Tribunal :—

Kya Rail Prashashan dwara Mandal Rail Probandhak Central Railway Jhansi va Varishta Mandal Yantrik Engineer Central Railway Jhansi ka Sri Ram ji Lal, putra Sri Bhuri Singh Puran putra Gayasi Lal, tatha Hukum Singh putra Sri Hotilal ko dinak 8-8-87, 27-8-87, 14-9-87 se sewamukta karna nyayochit aur vaid hai tatha kya Smt. Puran Devi patni late Vijendra Singh ko daya ke adhar par unko naukari par na rakhna nyayochit hai? Yadi nahi to samandhit karmkar kis anutosh ka haqdar hai?

2. In this reference there are three workmen viz., Ram Ji Lal Puran and Hukum Singh. The fourth is Smt. Puran Devi widow of Vijendra Singh.

3. The case of the concerned workman Ram Ji Lal is that he was engaged on 16-5-86 as causal labour. He completed more than 120 days. Hence he acquired temporary status and he was illegally removed from service on 28-7-88 in breach of provisions of section 25H of I.D. Act.

4. The case of concerned workman Puran is that he was engaged as causal labour on 4-11-86, he acquired temporary status after service more than 120 days. He was illegally removed from service on 28-7-86 in breach of provisions of section 25H of I.D. Act.

5. The case of concerned workman Hukum Singh is that he had acquired temporary status by rendering service for more than 120 days. He has not given the date of appointment in his claim statement. He was removed illegally from service w.e.f. 14-9-87.

6. The case of Smt. Puran Devi is that her husband was a causal labour. He had acquired temporary status by rendering services of 120 days. He died on 27-8-87, hence after his death she is entitled for appointment on compassionate ground.

7. The reply of railway is that all the three workmen had obtained service card by forgery. When show cause notice was given to them they absconded from duty. They were not removed from service. As regards the claim of Smt. Puran Devi it is denied that Vijendra Singh has completed 120 days. He too had obtained job by submitting forged service card.

8. In support of their claim the concerned workman Ram Ji Lal w.e.f. has examined himself. In rebuttal Sawalia Ram M.W.I has been examined. Ram Ji Lal is not office bearer of any Trade Union, he is not expected to have any personal knowledge about the affairs of Puran, Hukum Singh and Vijendra Singh. As such the claims of Puran, Hukum Singh and Smt. Puran Devi have to be negatived for want of proof.

9. As regards the claim of Ram Ji Lal in his cross examination he has admitted he was given show cause notice but he did not submit any reply. However, he has denied that he has abandoned the job. On the other hand Sawaliaram M.W.I the head clerk of the opposite party railway has stated that the concerned workman did not give any reply to any show cause notice and also did not come to join his duties. I am inclined to believe the statement of Sawalia Ram as it is quite likely that after service of show cause notice the concerned workman would have not joined as he has failed to submit any reply to this show cause notice. Hence my finding is that Ram Ji Lal was not removed from service. Instead he had stopped coming of his own in order to save himself from rigour of reply to show cause notice.

10. Thus none of the workmen are entitled for any relief as their services have not been brought to an end. Further it is not proved that Vijendra Singh had acquired temporary status consequently Smt. Puran Devi will not be entitled for job on compassionate ground.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 नवम्बर, 1997

कांग्रेस 3232.—बौद्धिक क्रियाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बङ्क और वीकानेर पंड जयपुर, जयपुर के प्रबन्धने के मंचन नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निरिष्ट औद्योगिक क्रियाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचगट को प्रकाशित करती है; जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[संख्या प्रल—12012/136/93-आईआर० बी.डी/डी०-१]

पी०जे० मैइकल, ईस्ट अधिकारी

New Delhi, the 28th November, 1997

S.O. 3232.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur, Jaipur and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/136/93-IR B D [B.I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 119 of 1993

In the matter of dispute between :

Executive Member

All India State Bank of Bikaner & Jaipur
NCST Employees Welfare Association C/o
K. N. Soni 118/78 Kaushalpuri, Kanpur.

AND

Manager Personnel Department
State Bank of Bikaner & Jaipur
Head Office Tilak Marg Jaipur.

AWARD

1. The case of the concerned workman Kailash Baboo is that he is a scheduled caste employee of the opposite party State Bank of Bikaner & Jaipur. A test for selection of Award Staff was held by the opposite party on 14-2-87 in which the concerned workman as well as Govind Hari Mishra were also selected. The concerned workman joined at Belanganj Agra Branch on 14-7-82, whereas Govind Hari Mishra was appointed at Kaushalpuri Branch at Kanpur, on 20-11-82 by the branch manager who was not competent to appoint him. In this way he is senior to Govind Hari Mishra by virtue of having joined the job prior to Govind Hari Mishra. The opposite party bank is denying this status. As Govind Hari Mishra was likely to be effected notice was also issued to him. In his written statement he has claimed that he is senior to the concerned workman in the merit list. Hence he will retain his seniority even if he has joined late.

2. The opposite party bank simply filed a reply alleging that without the presence of Kailash Babu the case cannot be fully decided. Hence he is necessary party. On merits the bank has said nothing.

3. In the rejoinder nothing new has been alleged.

4. In a case where candidates are selected after holding a test and a merit list is prepared, the seniority is to be determined according to the position where the candidate stands. On the other hand in a case where adhoc appointments are made and subsequently such appointments are regularised, the question of seniority will be determined by the date of joining. Since in the

instant case both the candidates were selected after holding test. There respective seniority will be determined in accordance to their placement in the seniority list. That seniority list has not been filed by the concerned workman. In its absence, I am unable to hold that he was placed higher than Sri Hari Chand Mishra as such claim for seniority of this post is not proved.

5. The authorised representative of the concerned workman has relied upon the case of Chairman Puri Gramin Bank Versus A. C. Dass 1995 Lab IC 340 in which it has been held that seniority will be determined on the basis of joining report. This case will have no application to the facts of the case as in this case the question of seniority was in respect of adhoc candidates whose appointments were regularised subsequently. In the end my award is that as the concerned workman has failed to prove that in the seniority list he was placed higher than Hari Govind Mishra he is not senior to Hari Govind Mishra and as such he is not entitled for seniority.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 26 नवम्बर, 1997

का०आ० 3233.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रतापगढ़ केन्द्रीय ग्रामीण बैंक, प्रतापगढ़ के प्रबन्धसंच के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[मंला प्ल-12012/162/94-आई-आर (बी 3)/बी-1]
पी०जे० मार्किल, ईस्क अधिकारी

New Delhi, the 26th November, 1997

S.O. 3233.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Pratapgarh Kshetriya Gramin Bank, Pratapgarh and their workman, which was received by the Central Government on the 24-11-1997.

[No. L-12012/162/94-IR (B. 3/B. I.)]
P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 128 of 1995

In the matter of dispute :

BETWEEN

Shyam Singh General Secretary, C/o. Dr. R. K. Mishra, Viveknagar, Opposite District Hospital District Pratapgarh.

AND

The President, Pratapgarh Kshetriya Gramin Bank, Civil Lines, Pratapgarh.

AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/162/94-IRB-3, dated 30-10-1995, has referred the following dispute for adjudication to this Tribunal :—

“Whether it is fact that management of Pratapgarh Kshetriya Gramin Bank in terminating the service of Shri Ram Awadh Verma w.e.f. 8-7-1983 and if so whether the action of the management in terminating his services is justified ? If not, to what relief the workman is entitled to ?

2. The case of the concerned workman Ram Awadh Verma is that he was engaged as sub-staff at Mohanganj Branch of the opposite party Pratapgarh Kshetriya Gramin Bank on 29-9-1981 and he continued to work upto 7-7-1983. He was removed from service w.e.f. 8-7-1983, in breach of provisions of section 25-F G and H of I. D. Act.

3. The case of the opposite party is that the concerned workman was engaged as a daily rated worker. As he was not satisfied with the wages which he was getting he left the job of his own w.e.f. 8-7-1983.

4. In the rejoinder nothing new has been alleged.

5. In support of his case, the management has adduced evidence of Devendra Bhushan Dwivedi, Branch Manager, of the Bank. M.W. 1 who has stated that the concerned workman did not work continuously. He was a casual labour. He himself had left the job. He was not removed from the service. He was not cross examined on this point.

6. Further Ram Awadh concerned workman W.W. 1 in his evidence has also not denied that he had not left the job of his own. Thus the evidence of the management witness is unrebutted. Further had the concerned workman not absconded the job and he had been removed from service he would not have remained silent since 1983. Hence, I believe the version of the management and hold that the concerned workman had left the job of his own. He was not removed from service. Accordingly my

award is that the concerned workman was not removed from service. Instead he has left the job of his own. Hence question of termination from service in breach of provisions of section 25-F, G and H of I. D. Act does not arise. Consequently the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 28 नवम्बर, 1997

का०श्रा० 3234.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार बरेली कार्पो० बैंक लिमि०, बरेली के प्रबन्धतान्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/165/94-शाफ्टिंगर०बी०-3]
पी०जे० माईक्रो, डैस्क अधिकारी

New Delhi, the 28th November, 1997

S.O. 3234.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bareilly Corporation Bank Ltd., Bareilly and their workman, which was received by the Central Government on the 24-11-1997.

[No. L-12012/165/94-IR (B-3)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR, KANPUR

Industrial Dispute No. 130 of 1995.

In the matter of dispute :

BETWEEN

Vishwa Kumar Soni,
son of Lalu Ram,
Village and Post Nagram,
Lucknow.

AND

The Chief Manager,
Barcilly Corporation,
Bank Limited,
Civil Lines, Bareilly.

AWARD

1. Central Government Ministry of Labour, vide Notification No. I.-12012/165/94-I.R. (B-3), dated 9-11-1995 has referred the following dispute for adjudication to this Tribunal :—

“Whether it is a fact that Shri Vishwa Kumar Soni son of Laloo Ram was employed in the subordinate cadre by the management of Bareilly Corporation Bank Ltd. If so, whether termination of his employment was just and legal ? If not, to what relief the workman concerned was entitled to ?”

2. The case of the concerned workman Vishwa Kumar Soni is that he was engaged as a peon on 27-11-1991 at Latouch Road Branch of the opposite party in Lucknow. He continuously worked upto 5-10-1993, thereafter, his services were brought to an end in breach of provisions of section 25-F of I. D. Act. Hence this termination is bad.

3. The opposite party has filed reply in which it is alleged that concerned workman has never worked at all, hence question of termination does not arise.

4. In the rejoinder it is reiterated that the concerned workman was employed as peon.

5. In support of his case, the concerned workman has examined himself as W.W. 1. Besides he has filed Ext. W-1 to W-5 papers. In rebuttal there is evidence of Satish Kumar Thakural M.W. 1 an officer of the bank.

6. The concerned workman has stated that he was engaged as peon and had worked from 27-11-1991 to 5-10-1992. Whereas Satish Kumar Thakural has stated that the concerned workman had never worked which is born out from the record. The opposite party has relied upon Ext. W-2 a letter dated 11-2-1994 sent by its Manager in reply to notice of K. K. Singh Advocate. It appears that the concerned workman had served a notice through his advocate. By this reply the bank had informed that the matter is being looked into. From this it is sought to be inferred that the management had admitted about the concerned workman being an employee of the bank. I do not agree with this contention. By this reply simply receipt of notice has been acknowledged with the assurance that the claim of concerned workman will be examined. It does not by any stretch of imagination would mean that the management had admitted the fact about the concerned workman being the employee of the bank. Thus after discarding this document there is oath against oath. In my opinion, the bald statement of the concerned workman is not enough. If he was paid through vouchers he ought to have got summoned to those papers. In its absence, I do not accept the evidence of concerned workman and come to the conclusion that the concerned workman was not the employee of the bank. Hence question of termination breach of provisions of Section(s) 25-F, 25-G and 25-H of I. D. Act does not arise.

7. Accordingly my award is that the concerned workman was not the employee of the bank and thus he has not been removed from service. Consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई विल्ली, 2 दिसम्बर, 1997

कांग्रा० 3235.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०बी०आ०इ०, लिजयवाड़ा के प्रबन्धतान्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, 1, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/76/95-आई०आर० (बी०-I)]
पी०जे० माइक्स, डेस्क अधिकारी

New Delhi, the 2nd December, 1997

S.O. 3235.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-I, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.B.I., Vijayawada and their workman, which was received by the Central Government on the 26-11-97.

[No. L-12012/76/95-IR (B.I.)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I

Dated : 1st day of November, 1997

Industrial Dispute No. 79 of 1996

BETWEEN

Shri P. Dhanunjaya Rao & Sri P. Narayananmurthy,
Churchpet, Narsapur-534275.

West Godavari District.

... Petitioner

AND

The Dy. General Manager, State Bank of India,
Zonal Office Vijayawada-520001. ... Respondent

APPEARANCES :

Sri G. Ravi Mohan, Advocate for the petitioner.

Sri B. G. Ravinder Reddy, Advocate for the respondent.

AWARD

The Govt. of India, Ministry of Labour, New Delhi, by its order, No. L-12012/76/95-IR (B.I.) dt. 10-6-96 referred the following dispute under section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication :

"Whether the action of the management in discharging the services of Sri P. Dhanunjaya Rao, Ex. Assistant, Head Cashier, ADB, Prakkilanka West Godavari Dist. by way of punishment is legal and justified? If not, what relief the workman is entitled to?"

Both parties appeared and filed their respective statements.

2. The petitioner-workman filed a Claim Statement contending as follows :

The petitioner-workman was appointed as Clerk-cum-Cashier on 14-9-83 at Nidadavolu Branch of the Respondent-Bank and thereafter he was transferred to Eluru on 6-12-1985 and finally to the Prakkilanka A.D.B. on 29-12-1990. The petitioner was served with charge sheet dt. 23-1-1992 alleging that he misappropriated the amounts received by him for credit of R.D. Account of Kum. Elipum Prasanna Rani Ro Tallipudi. The petitioner submitted his explanation. The enquiry was conducted in gross violation of principles of natural justice. The petitioner was served with a show cause notice dt. 11-8-93 as to why his services were not discharged. He submitted his explanation dt. 6-10-1993. His services were discharged by an order dt. 8-11-1993. Thereafter the petitioner filed an appeal and the same was rejected by an order dt. 12-2-94. There is no acceptable evidence in the enquiry. Only two officers were examined in the enquiry. The complainant and handwriting expert were not examined in the enquiry. The Enquiry Officer based on surmises and conjunctures and gave findings without applying his mind. In the absence of the above, the charge cannot be held to be proved. Hence the discharge of the petitioner is illegal. The petitioner is entitled to reinstatement into service with full back wages.

3. The respondent filed a counter admitting the appointment of the petitioner as clerk-cum-cashier, his posting at Eluru and ultimately at Prakkilanka, the domestic enquiry and the discharge of the petitioner from service but contending as follows : The petitioner did not submit his explanation in reply to the charge sheet though time was given. Subsequently the petitioner was given personal hearing. The petitioner received the amounts remitted by the father of account holder and he misappropriated the same. The two officers i.e. Branch Manager and Cash Officer of ADB identified the initials of the petitioner in the RD Account Pass Books. The petitioner remitted the amounts on subsequent dates. He has misappropriated the funds of the customer of the Bank. The Domestic enquiry was conducted and the charge levelled against the petitioner is proved. He was earlier awarded punishment of stoppage of two increments by way of cancellation after completion of domestic enquiry on the charges of over-drawing of his SB Account purchasing cheques without funds, leaving the cash counter, leaving the cash to be handled by some other employee and selling away his scooter hypothecated to the bank without closing the scooter loan etc. After domestic enquiry in this case, the services of the petitioner were discharged, as the respondent lost all the confidence on the petitioner. The respondent as a financial institution has to maintain reputation and dignity. Hence the order discharging the petitioner may be upheld. The claim petition may be dismissed.

4. The respondent filed the record of domestic enquiry into this Tribunal. The petitioner did not dispute the validity of the domestic enquiry. So, the record of enquiry is marked as Exs. M1 to M23. Both the parties are heard on merits of the case.

5. The point for consideration is whether the respondent is justified in discharging the services of the petitioner by way of punishment.

6. POINT.—The admitted or proved facts of the case are as follows: The petitioner was appointed as Clerk-cum-Cashier on 14-9-1983. He worked in Nidadavolu Branch and was transferred to Eluru Branch on 6-12-1985. He was further transferred to Prakkilanka Branch of the respondent-Bank on 29-12-1990. He was working as Assistant Head Cashier in the said Branch.

7. Sri Elipum Fattaiah of Tallipudi opened a recurring deposit account No. 528 in the name of his daughter Kum. Prasanna Rani. He undertook to deposit Rs. 500/- every month in the recurring deposit Account. He came to the

bank on 7-12-1991 to remit an amount of Rs. 1,000/- He learnt from the counter clerk that there are discrepancies between the entries in the pass book and the entries in the Ledger maintained in the Bank. He deposited the amount 4,500/- upto 7-9-91, but there is a remittance of Rs. 3,000/- only as per the Ledger. So he met the Branch Manager and he is supposed to have given a letter Ex. M14 to the Branch Manager on 7-12-1991 pointing out the above discrepancies. He is said to have given another letter Ex. M16 on 8-1-92. In this letter he mentioned that the petitioner was his tenant for some time and had intimacy with him, and that he handed over the cash for crediting into R.D. Account of the said Prasanna Rani. Ultimately they found that amount were not credited on the dates on which they handed over the same to the petitioner. There is a shortage of Rs. 1500/- Again on 10-12-1991 he gave another letter Ex. M15 giving the details of deposits. But the said Pattaiah was not examined in the enquiry. He himself appeared in the enquiry when the management witnesses are being examined and handed over Ex. M17 letter to the Enquiry Officer making allegations against the Branch Manager that the letters were taken by him by force etc. He was not presented for cross-examination by the petitioner as the Management does not want to examine him.

8. The learned advocate for the petitioner argues that even if the complaint Ex. M15 is taken into consideration, all the amounts mentioned therein were credited in the ledger and the petitioner cannot be discharged from service simply on the evidences of two witnesses examined in the enquiry who identified the initials of the petitioner in the Pass Book. Both the witnesses are not working in the Branch at the relevant time. The version of the complainant is that the pass books is with the Bank only and so the petitioner need not make the entries in the pass book if he wanted to misappropriate the amount. He also argued that complainant was working as Traffic Inspector in APSRTC and his wife was working as Staff Nurse, that they entrusted the work of depositing the amount to their son and that the son could have manipulated the entries in the Pass Book. On the other hand the learned advocate for the Bank argues that the petitioner received the amount of Rs. 500/- every month from the depositor that he used the amount for himself and ultimately deposited the amount when the fraud was detected. So the entries in the Pass Book and the Ledger are not tallying. He also argued that the petitioner himself remitted the amount of Rs. 1500/- with his signature on 19-8-1991 as can be seen from Ex. M10 and it proved his misconduct.

9. Sri Pattaiah opened the recurring Deposit Account in the name of his daughter Prasanna Rani. Ex. M7 is a copy of the extract of the Pass Book issued to her. The Branch Manager maintains the Ledger Account and copy of it is Ex. M8. The entries in Ex. M7 and M8 are as follows :

Account of Elipum Prasanna Rani

A/C No. 526

As per Ex. M7

Recurring Deposit Account Pass Book

Date	Instalment paid for the months of	Credit	Credit Balance
9 Feb. 1991	By cash	500	500
19 Mar. 1991	By cash	500	1000
25 May, 1991	By cash	1000	2000
10 June, 1991	By cash	500	2500
21-7-91	By cash	500	3000
24 Aug. 1991	By cash	500	3500
7-9-91	By cash	500	4000
22 Oct. 1991	By cash	500	4500

As per Ex. M8 Recurring Deposit Account (Ledger)

Date	Instalment for the month of	Credit	Credit Balance
1 Feb. 1991		500	500
19 Aug. 1991		1500	2000
24 Aug. 1991		500	2500
7 Sep. 1991		500	3000
Dec. 07 Aug. Sep.		1000	4000

It can be seen that except the entry dt. 9-2-91 which is the first deposit and the entry dated 24-8-91 the other entries are not tallying. The evidences of two officers of the Bank is that initials on Ex. M7 Pass Book in token of receiving the amount are that of the petitioner. Both the officers have not worked when the transactions have taken place. They were working in other offices. Though the complainant stated in Ex. M16 that he handed over the amounts to the petitioner for crediting into account, he gave the details in Ex. M15. He stated therein that he handed over Rs. 1500/- to the petitioner on 19-8-91, for crediting the amount into the Bank. This amount was credited into Bank by the Petitioner as per Ex. M10 remittance challan. He next stated that his son remitted Rs. 500/- on 24-8-91 and Rs. 500/- on 7-9-91. Both the entries are there in the ledger, as deposited by Ravikumar (son) as per Ex. M11 and Ex. M12 remittance challans. The last item of the remittance by the complainant himself is Rs. 1000/- which finds a place in the Ledger. He himself mentioned in Ex. M13 remittance challan that he remitted this amount for the months of August and September, 1991. No doubt the petitioner remitted the amount of Rs. 1500/- on 19-8-91 for the months of March, April and May, 1991 whereas the entries of remittance of Rs. 500/- on 19-9-91 and Rs. 1,000/- on 19-5-91. But all the amounts mentioned in Ex. M15 were accounted for in the Ledger.

10. Only the incriminating circumstances against the petitioner is his initials in Ex. M7 Pass Book. Two officers deposed that the initials are that of the petitioner and the petitioner having received the money remitted the same as per his convenience. Both the witnesses have not worked in the Branch during the relevant period. They have joined the branch subsequently. The Branch Manager who was working in the Branch at the relevant time is not examined in the enquiry.

11. There is some force inconsistency or improbability in the version of the complainant as well as the Bank. The complainant says that he left the Pass Book in the Bank itself and so the petitioner need not make entries in the pass book, if he does not remit the amount into the Bank on the days he was said to have received the cash from the party. He can make the entries to suit his convenience and in accordance with the entries in the ledger. He has to make entries in the pass book and put the initials only when he handed over the pass book to the customers or the complainant or his nominee as and when the amount was deposited. The Bank did not file the register by name "Overnight pass book return register", though asked by the petitioner. This register contains the particulars of pass books that are retained in the Bank itself, instead of handing over it to the party as and when deposit is made. So the version of the complainant that the pass book was in the Bank itself is not proved. The two officers examined in the enquiry are not handwriting experts. The petitioner cannot be discharged from service simply on their evidence that the initials in the pass book are that of petitioner particularly so when the complainant is not supporting the version of the Bank and his version corroborates the ledger entries. The Pass Book would be in the complainant's house itself and his son Ravi Kumar could have manipulated the entries in the Pass Book as the parents were employed and busy and not depositing the amounts directly. In these circumstances, I hold that the discharge of the petitioner from service is not justifiable. However, the petitioner does not have good previous record. As an employee of the Bank he ought not to have taken responsibility of remitting the amount of Rs. 1500/- on 19-8-91 as evidenced by Ex. M10. The denial of backwages would be sufficient punishment to the petitioner.

12. The learned advocate for the Bank relied upon decision of NARAYAN DATTAHRAYA RAMTEER-THAKHAR vs. STATE OF MAHARASHTRA AND OTHERS (1997 1 Supreme Court Cases 299) wherein the Supreme Court confirmed the dismissal where the workman misappropriated amount of Rs. 14-10/- deducted from the wages of the employees. In our case there is no proof of misappropriation. He next relied upon the decision of ALLAHABAD BANK AND ANOTHER vs. DEEPAK KUMAR BHOLA (1997 (4) SCC Page 1) wherein the Supreme Court confirmed the suspension of a Bank employee for committing of forgery of 14 signatories and wrongfully withdrawing of money from the Bank. In our case, the misconduct of the misappropriation is not proved. He next relied upon the decision of TARA CHAND VYAS vs. CHAIRMAN & DISCIPLINARY AUTHORITY AND OTHERS [1997 (4) Supreme Court cases 565] wherein the Branch Manager derelict in his duty in making payment of loan without ensuring supply of implements to loanees and deposit of adequate security from dealers. This decision does not apply to the facts of this case.

13. In the result, an Award is passed directing the respondent to reinstate the petitioner into service with continuity of service, notional increments, revision of pay, etc., but without any backwages or monetary benefits. He is entitled to wages from one month after the publication of the award.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of Evidence

Witnesses examined on either side : NIL.

Documents marked for the petitioner.

NIL

Documents marked for the Respondent.

Ex. M1 : Show cause notice dt. 23-1-92.

Ex. M2 : Constitution of Enquiry dt. 13-3-92 and intimation of date.

Ex. M3 : Enquiry Proceedings (Xerox copy).

Ex. M4 : Deposition of P. Raghavan Rao in the enquiry.

Ex. M5 : Deposition of M. S. Prasada Rao in the enquiry.

Ex. M6 : Deposition of Sri E. Pattaiah in the enquiry.

Ex. M7 : Xerox copy of Extract of Pass Book A/c. No. 528 of K.E. Prasanna Rani.

Ex. M8 : Xerox copy of extract of recurring deposit ledger sheet of Prasanna Rani.

Ex. M9 : Xerox copies of recurring deposit Account slip dt. 9-2-91, for Rs. 500/-.

Ex. M10 : Xerox copy of Deposit Account Slip for Rs. 1500/- dt. 19-8-91.

Ex. M11 : Xerox copy of Deposit Account Slip for Rs. 500/- dt. 22-8-91.

Ex. M12 : Xerox copy of Deposit Account Slip for Rs. 500/- dt. 7-9-91.

Ex. M13 : Recurring deposit Payment Slip dt. 7-12-91.

Ex. M14 : Complaint dt. 7-12-91 given by E. Pattaiah.

Ex. M15 : Letter dt. 10-12-91 given by E. Pattaiah.

Ex. M16 : Letter dt. 8-1-92 given by E. Pattaiah.

Ex. M17 : Letter dt. 21-2-93 given by E. Pattaiah to the Enquiry Officer.

Ex. M18 : Report dt. 29-5-93 of Enquiry Officer (Xerox Copy).

Ex. M19 : Xerox copy of the Proceedings dt 11-8-93 of the A.G.M.

Ex. M20 : Letter submitted by the Petitioner to the A.G.M.

Ex. M21 : Final proceedings of A.G.M. dt. 8-11-93.

Ex. M22 : Notice dt. 6-12-94 issued by A.G.M. (Xerox Copy).

Ex. M23 : Xerox copy of minutes of conciliation of ALC(C) Vijayawada dt. 6-1-95.

नई दिल्ली, 2 दिसम्बर, 1997

का०आ० 3236 :—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बैंकनकार, त्रिवेन्द्रम के प्रबन्धतात्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्धिष्ट आद्योगिक विवाद में लेवरकोर्ट कोजाइकोड़, केरल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-11-97 को प्राप्त हुआ था।

[संख्या एल-12011/25/94-आई०आर० (बी०-१)]

पी०जे० माइकल, डैस्क अधिकारी

New Delhi, the 2nd December, 1997

S.O. 3236.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Kozhikode, Kerala as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Travancore, Trivandrum and their workman, which was received by the Central Government on 26-11-97.

[No. L-12011/25/94-IR(B-I.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE LABOUR COURT, KOZHIKODE, KERALA STATE

Dated this the 30th day of September, 1997

PRESENT :

Shri P. O. Baikath Ali, B. Sc., LL.B., Presiding Officer.

I.D. (C) 4/96

BETWEEN

The Managing Director,
State Bank of Travancore,
Head Office, Poojappura,
Trivandrum-685001.

.. MANAGEMENT.

AND

The General Secretary,
State Bank of Travancore
Staff Union, P.B. No. 5601,
Trivandrum-695039.

.. UNION.

REPRESENTATIONS :

Sri P. V. Jose, General Secretary
of the Union. .. For Union.

Sri V. K. Francis, Manager (Law),
State Bank of Travancore,
Zonal Office, Kozhikode. .. For Management.

AWARD

This is an industrial dispute between the management of State Bank of Travancore, Trivandrum and its workman Sri M. C. Chandran Nambiar, represented by the General Secretary, State Bank of Travancore Staff Union, Trivandrum, regarding the justifiability of the action of the management in non-designating the workman as Head Security Guard of Kannur Civil Station Branch of the bank thereby

denying the special allowance due to him which is referred for adjudication to this court by order No. L-12011/25/94-LR(B.I) of Ministry of Labour, Government of India dated, February 7, 1996.

2. The union in its claim statement contended thus:— In the branches of the management bank with currency chest or safe deposit lockers, security guards are posted and where there are three or more permanent security guards the senior-most among them is designated as Head Security Guard who will be entitled to a special allowance of Rs. 263 per month. Till September 1993, there were no permanent security guards in the Kannur Civil Station Branch of the management bank. 4 security guards including the workman were posted by transfer at that branch on September 1993. The workman was the seniormost among the security guards. Therefore he is entitled to be designated as Head Security Guard of that branch and he was designated as such by the Branch Manager by order dated December 18, 1993. The Branch Manager informed the workman on December 20, 1993 that the order posting of him as Head Security Guard is kept in abeyance under instructions from Head Office. Thereafter the Branch Manager issued an order on March 16, 1994 designating another security guard Sri D. Surendran who is junior to the workman as Head Security Guard. The above action of the management is illegal and has caused much prejudice to the workman. The case of the management was that the Head Security Guards are designated on the basis of Centrewise seniority which is the practice followed. But the centre-wise seniority is applicable only to an existing centre, but not to a centre when it is created. The post of security guards were created only in September 1993 in Kannur Civil Station Branch. Therefore the above practice is not applicable to that branch. An employee does not have any control over the date of relief from his existing branch. That being so, if the above mentioned practice of centre-wise seniority is followed an employee much junior to another employee will be entitled to an undue benefit. In the present case the orders of transfer to the security guards were issued on September 7, 1993 to the respective Branch Managers by the Regional Manager. As Mr. Surendran was working at the main branch, Kozhikode he received the order on that date itself and joined at Kannur Civil Station Branch on September 9, itself. As Sri Chandran Nambiar was working at Mattannur Branch he was relieved only on September 22. The management denied the benefit of Head Security Guard to the workman only because he was a member of the union. Therefore an award may be passed holding that the workman is entitled to the post of Head Security Guard at the Civil Station Branch, Kannur of the management Bank, and that he is entitled to the special allowance admissible to the post from September 23, 1993 onwards.

3. The management in its statement contended thus:— The security guards are posted at Head Office, Zonal Office and Branches having currency chest. Security guards are not posted in branches where only safe deposit lockers are available. Head Security guards are posted on the basis of centre-wise seniority. It is true that the orders transferring the security guards to Kannur Civil Station Branch were issued on September 1, 1993. Mr. Surendran relieved earlier and joined duty on September 9th itself while the worker joined only on September 23rd. The date of entry of worker at Kannur Civil Station Branch being subsequent to Surendran, Surendran has to be considered as senior among the security guards at that centre. Therefore, he is entitled to be designated as Head Security Guard of Kannur Civil Station Branch. It was by mistake the workman was earlier designated as Head Security Guard. It is not correct to say that in the case of a new centre a different rule applies for designating a Head Security Guard. Seniority at the centre is determined on the basis of reporting or joining at the centre. This practice is followed by the bank on the basis of the decision taken at Bi-partite Settlement of the union and the management. It is not true to say that the workman was victimised as he belongs to the union. Therefore, an award may be passed upholding the validity of the action of the management.

4. The union filed a rejoinder denying the allegations in the statement of management and further contending thus:— It is not correct to say that the security guards are posted in branches having currency chest alone. There is no rule,

no provision in the service conditions and no instructions from the Head Office to the effect that at a newly created centre Head Security Guard will be posted on the basis of centre-wise seniority.

5. At the request of the union, notice was issued to the present Head Security Guard of the Kannur Civil Station Branch, Sri D. Surendran. On receipt of the notice he entered appearance and filed a statement supporting the management. The union filed a reply statement denying the allegations in the statement of Surendran.

6. The following points arise for consideration:—

- (1) Whether the workman is entitled to be designated as Head Security Guard of Civil Station Branch, Kannur of the management bank?
- (2) Whether the post of Head Security Guard is designated on the basis of centre-wise seniority or on the basis of seniority in service?
- (3) What are the reliefs to which the workman is entitled to?

7. No oral evidence was adduced either by the union, management or the worker Surendran. Exts. W1 to W8 were marked for the union. On the side of the management Exts. M1 to M6 were marked.

8. Point No. 2.—The undisputed facts in brief are these:— In State Bank of Travancore, security guards are posted at Head Office, Zonal Office and all branches with currency chest or safe deposit lockers. At branches and offices where there are 3 or more permanent security guards the senior-most among them is designated as Head Security Guard who will be entitled to a special allowance of Rs. 263 per month. According to the union, the security guard who is senior-most in service is entitled to be designated as Head Security Guard of that branch. The management as well as Surendran would contend that the Head Security Guards are posted on the basis of centrewise seniority i.e. on the basis of seniority in the date of entry in a particular centre of the bank.

9. Therefore the question for consideration is whether the seniority in service or seniority at the centre has to be considered in designating the Head Security Guard at a particular branch of the management bank. It is admitted by the union that at present the practice followed is that the Head Security Guard will be designated on the basis of centre-wise seniority. The Secretary of the union argued that such practice is not applicable to a new centre where the post of security guards are created. I find no merit in the above contention of the union. The union was not able to point out any special circumstance to deviate from the present practice of designating the Head Security Guard on the basis of centre-wise seniority.

10. The Secretary of the union argued that if the principle of centre-wise seniority is accepted in designating the Head Security Guard it will cause miscarriage of justice as in the present case. The transfer order of the security guards to the Civil Station Branch of Kannur was issued on September 1, 1993 as evidenced by Ext. M1, the copy of the order of transfer dated September 1, 1993 issued by the Assistant General Manager, Zonal Office, Kozhikode. On the basis of this order, the Regional Manager issued the order dated September 7, 1993 to the Branch Manager, Mattannur Branch of the bank, transferring the workman to Civil Station Branch of Kannur. Ext. W1 is the copy of that order. Ext. W2 is the copy of the order dated September 22, 1993 relieving the workman from Mattannur Branch. He joined at Civil Station Branch, Kannur on September 23, 1993. He entered in the service of the bank on September 24, 1984. The worker Surendran joined at Civil Station Branch of Kannur on September 9, 1993 itself and his entry in service was on November 21, 1987. The union contended that as Sri Surendran was working in the Kannur Main Branch of the bank he was able to relieve earlier and join at Kannur Civil Station Branch earlier and therefore it is not justifiable to deny the post of Head Security Guard to the workman who is 3 years senior to Mr. Surendran. The above contention of the union cannot be accepted for the following

reasons. The present practice followed in all the branches of the bank where there are more than 3 security guards are posted is that the Head Security Guard will be designated on the basis of centre-wise seniority. There is no compelling reason shown before me to deviate from the above practice. If the above practice is now discontinued it will cause hardship to all the Security Guards working in other branches of the bank. That apart the union has not been able to show any rule governing the designation of Head Security Guard on the basis of seniority in service nor was any decision in this aspect brought to my notice. Having regard to all the these, I am inclined to hold that the present practice of the management designating the Head Security Guard on the basis of centre-wise seniority has to be followed.

11. Point No. 1 :—It is the admitted case that the workman took charge in the Civil Station Branch of Kannur only on September 23, 1993 while the worker Surendran on September 7, 1993. In view of my above findings, the workman is not entitled to be designated as Head Security Guard and the worker Mr. Surendran is entitled to be designated as Head Security Guard of Civil Station Branch Kannur of the management Bank as he is the senior-most security guard at that centre.

12. Point No. 3 :—In the light of my above findings, the workman is not entitled to any of the reliefs claimed.

13. In the result, the reference is answered holding that the action of the management in non-designating the workman as Head Security Guard of Civil Station Branch of Kannur thereby denying special allowance to him is justified. It follows that the workman is not entitled to any of the reliefs claimed. An award is passed rejecting the claim of the union.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 30th day of September, 1997.

P. O. BARKATH ALI, Presiding Officer

APPENDIX

Witnesses examined on either side :—

NIL

Documents marked on the side of the Management :—

Ext. M1 : Copy of letter No. PAD/3/389/dt. 24-1-1994 sent by Chief Manager, Personal Administration, Head Office, TVM to the Asstt. General Manager, Zonal Office, Kozhikode.

Ext. M2 : Copy of letter No. AGM/KKD/PER dt. 1-9-93 given by Asstt. General Manager, SBT, Zonal Office, Calicut to Chief Manager, Kozhikode, Main Branch.

Ext. M3 : Copy of letter No. AGM/KKD/PER/692 dt. 1-9-93 given by Asstt. General Manager, SBT/ Zonal Office, Calicut to Regional Manager, II and others.

Ext. M4 : Photostat copy of Transfer request Register (Page No. 100) period from 1986 to 87.

Ext. M5 : Copy of letter No. PHD/3/2992 dated 15-9-1993 issued by Chief Manager, Personnel Administrative SBT, Head Office, TVM to Asstt. General Manager, Zonal Office, Calicut.

Ext. M6 : Extract from the Minutes of the Bipartite meeting held with the State Bank of Travancore Employees Union on 27-3-1995 Page No. 7, item No. 4.

Documents marked on the side of the Workman :—

Ext. W1 : Order No. RM11/KKD/11/29 dt. 7-9-1993 of the Regional SBT, Zonal Office, Calicut.

Ext. W2 : Order No. RM11/KKD/11/29 dt. 22-9-93 of the Branch Manager, SBT, Kannur, Civil Station Branch.

Ext. W4 : Order No. RM11/KKD/11/1667 dt. 18-12-93 of the Branch Manager, SBT, Kannur, Civil Station Branch.

Ext. W4 : Letter No. 11/CLT/1677 dt. 20-12-93 of the Branch Manager, SBT, Kannur, Civil Station Branch.

Ext. W5 : Representation dt. 7-3-94 submitted by Shri M. C. Chandran Nambiar to the Managing Director.

Ext. W6 : Letter dt. 9-3-94 to the M. D. for the General Secretary, SBT Staff Union.

Ext. W7 : Representation dt. 29-3-1994 to the M. D. submitted by Shri M. C. Chandran Nambiar.

Ext. W8 : Order No. RM.11/CLT/Staff dated 16-3-94 of the Branch Manager, SBT, Kannur, Civil Station Branch.

नई दिल्ली, 2 दिसम्बर, 1997

का०आ० 3237.—आधोगिक विवाद अधिनायम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वास्या बैंक लिमि०, बंगलौर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में जिर्दिट औद्योगिक विवाद में औद्योगिक अधिकारण, तमिलनाडु, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/94/89-आई०आर० (बी०-1)]

पी०जे० माइकल, डैस्क अधिकारी

New Delhi, the 2nd December, 1977

S.O. 3237.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vysya Bank Ltd., Bangalore and their workmen, which was received by the Central Government on the 26-11-97.

[No. L-12012/94/89-IR(B.I.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Wednesday, the 29th day of October, 1997

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal

Industrial Dispute No. 28 of 1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Vysya Bank Ltd., Madras).

BETWEEN :

The workmen represented by :

The President,

All India Vysya Bank Employees Union,
143, Govindappa Naicken St. Madras-600 001.

AND

The Chairman,

Vysya Bank Ltd., 72, St. Marks Road
Bangalore-560 001.

REFERENCE :

Order No. L-12012/94/89-I.R. Bank I, Ministry of Labour,
dated 11-1-90, Govt. of India, New Delhi.

This dispute coming on for final hearing on Monday, the 13th day of October, 1997, upon perusing the claim, counter statements and all other material papers on record, upon hearing the arguments of Tvl. K. V. Ananthakrishnan & S. V. Chandrasekar, Advocates appearing for the petitioner-union and of Tvl. T. S. Gopalan, Advocate appearing for the management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Vysya Bank Ltd., in terminating the services of Shri K. Swami Naidu, Ex. sub-staff is legal? If not, to what relief the workman concerned is entitled"

2. On service of notices, both the petitioner and the respondent appeared before this Tribunal and filed their claim and counter statement respectively.

3. The main averments found in the claim statement filed by the petitioner are as follows.—Mr. K. Swami Naidu, workman was working as Sub-staff in Vysya Bank Ltd., at G. Madapedu in Kakinada District. He was appointed in the year 1978 and his duties were mainly to carry on the instructions of the clerical staff and officers. He has studied upto 6th std. and does not know how to fill up challans, or vouchers, or withdrawal forms. He has no authority either make entries in the book or handle any instruments whatsoever. Based on the report of Dispersal Manager, Vijayawda, of the respondent bank, dated 16-6-80 alleging that the workman Swaminaidu has obtained withdrawal form making false representation and thereafter allegedly presented the said form which was alleged to have been signed by one G. Mavullamma alias Veeramani holding Savings Bank A/c No. 427 and induced the bank to part with the amount of Rs. 1400 and the workman was suspended. Neither the date of alleged incident was mentioned in the order or a copy of preliminary investigation report was furnished to the workman. Three months later charges were framed against the workman. The workman was charged that on 21-5-80 with an intent to defraud, he has falsely represented to Sri Lakshmi Narayan Rao, Incharge Manager, of the branch that Smt. G. Mavullamma wanted a withdrawal form for withdrawing money and that the Branch Manager believed his representation and issued a withdrawal form bearing no. 6051 to be made over to Smt. G. Mavullamma and that the alleged representation was found to be false and that he has committed misconduct and he has allegedly presented the said withdrawal form purported to have been signed by Smt. G. Mavullamma and the form was filled up by the incharge cashier and he has paid the amount of Rs. 1400 to the workman to be handed over to Smt. G. Mavullamma.

Further charge against the workman is that he has used forged document. The workman submitted his explanation denying the charges levelled against him and domestic enquiry was conducted by Sri P. Krishnamurthy, Manager (Industrial Relations) as Enquiry Officer. The workman has taken a preliminary objection to the appointment of Sri Krishnamurthy, as Enquiry Officer as he in his capacity as Manager, Industrial Relations, has dealt with the file pertaining to the workman and has personal knowledge thereof. The Enquiry Officer has overruled the objection and proceeded with the enquiry. The workman participated in the enquiry under protest. On the side of the management several witnesses were examined and eight documents were marked as exhibits. The workman has examined two witnesses on his behalf and filed five documents. Enquiry officer was biased against the workman and acted in favour of the management and has given a finding that the charges against the workman is proved. The findings of the Enquiry Officer are perverse. The workman has left the branch on 22-5-80 after obtaining permission of the Manager in charge. On 23-5-80 he telephoned the Manager about his leave and later he has applied for leave from 24-5-80. The management has neither sanctioned the leave nor refused to grant the leave but instead labelled the same as unauthorised absence. The management was vindictive against the workman from the beginning. The management has taken 2 years to initiate the enquiry and another four years to complete the same. The Appellate Authority has purposefully taken three months time for issuing orders in the appeal, though Bipartite Settlement stipulated two months time (vide para 3(g) of Settlement). The management has come to the conclusion in the charge sheet itself that workman has committed forgery even before the enquiry was conducted. The punishment of termination of services is too severe and not commensurate with the misconducts alleged. The management charged one Mr C. V. R. Sarathil who misappropriated an amount of Rs. 9.332 with criminal breach of trust, and misappropriation. He has admitted all the charges. The respondent bank has imposed a punishment of storage of the increments only. Hence the petitioner prays to pass an award directing the respondent to reinstate the petitioner Th. K. Swami Naidu with all attendant benefits and backwages.

4. The main averments found in the counter statement filed by the respondent are as follows.—The issue referred for adjudication is with regard to the legality of the termination of services of K. Swami Naidu, Ex. Sub-Staff with regard to reference, the adjudication should be confined only to the legality of the order of termination, viz., whether the order of dismissal is in violation of any provisions of law as such. The justification for the termination of the propriety of the punishment are beyond the scope of the present reference. The respondent is a Banking Company incorporated under the Companies Act and also governed by Banking Companies Regulation Act, having 289 branches, and having administrative and registered office at Bangalore. One of the branches is at G. Madapedu in Kakinada Taluk, A. P. It is a rural branch operated with one Branch Manager, one Clerk and one Sub-Staff. In May 1980 the Branch Manager of the said branch was on leave and one B. Lakshmi Naravana Rao an Officer was deputed as Incharge Branch Manager. The concerned clerk Gonalkishna, also went on leave and in his place one Subba Rao, Clerk from Rajamundry branch was sent on deputation to G. Madapedu branch. The concerned workman was a sub-staff working in the said branch and whenever he was on leave, one Janakiraman was employed as a temporary sub-staff. One Smt. Gummala Mayullamma W/o. G. Rudriah, had a Savings Bank A/c. No. 427 in the said branch from May 1979 and she never visited the branch either for making deposit, or withdrawal of cash. Her husband G. Rudriah had also an account with the branch. Her husband used to take withdrawal forms on behalf of his wife and present the same for withdrawing money. In 1979, 5 withdrawal forms were issued to G. Rudriah after getting his acknowledgement. These forms duly filled up and signed by Smt. Mayullamma were presented across the counter and cash was withdrawn. On 15-12-79 a cheque book was issued to the account holder after obtaining acknowledgement of her husband and thereafter no cash was withdrawn. On 21-5-80 the petitioner asked the Incharge Branch Manager that the A/c holder Smt. G. Mavullamma asked for a withdrawal form to enable her to withdraw the money. Again the petitioner reminded

the Incharge Branch Manager once again when the Branch manager was going to make remittance in Kakinada branch, accompanied by the petitioner. The Branch Manager believed the representation of the workman to be genuine and after return from Kakinada gave a withdrawal form no. 6051 to the workman to be handed over to Smt. G. Mavulamma. After collecting the withdrawal form, the workman left the premises of the branch and some time later he returned with the withdrawal form with the signature of G. Mavulamma the account holder. When Clerk Subba Rao questioned the petitioner, as to why form had not been filled up and how much money the account holder wanted to withdraw the workman has told that she wanted to withdraw the entire amount leaving a credit balance of Rs. 1,000/- As only Rs. 2,482.80 was credit balance on that day, the form was filled up by the clerk mentioning the amount as Rs. 1,400, and thereafter a sum of Rs. 1,400 was paid to the workman for being made over to the account holder. After some time, the petitioner informed that the money had been handed over to the account holder. The withdrawal was treated as late payment, as the cash transaction was closed for the day already and cash balanced. The same was accounted for as the first entry on the following day, i.e. 22-5-80. On 22-5-80 G. Rudriah husband of G. Mavullamma wanted to deposit Rs. 6,500/- in his wife's account no. 427. The same was handed over to the incharge branch manager as the incharge cashier was pre-occupied with some other work. Placing the pass book on the table, incharge Branch Manager was counting the cash. After counting the cash, when the incharge Branch Manager handed over the cash to the cashier the pass book was found to be missing. At that time, apart from incharge Branch Manager, the Cashier and Rudriah the petitioner was the only person to be present there. As the pass book was not available, cash was not deposited. On 23-5-90, telephone call was received from the brother of the petitioner, by the incharge Branch Manager that the petitioner was going to Vizag taking his father for treatment. One S. Janakiraman was appointed as temporary sub-staff, since the petitioner was absent. When the day slips of the previous day were being bound by the said Janaakiraman, it was found that one slip was missing and on verification it was found that the slip related to the withdrawal of Rs. 1,400/. A duplicate withdrawal slip was prepared by the incharge Branch Manager immediately and was sent through Janakiraman for the signature of the account holder. But the said account holder, Mavulamma refused to sign the withdrawal form on the ground that she never met the petitioner nor did she authorise the petitioner to withdraw any money and that no amount was paid to her by the petitioner much less Rs. 1400/- paid to the petitioner by the branch. On 24-5-80 Rudriah, husband of Mavulama called at the branch and clarified that his wife had not taken any amount on 21-5-80. On 24-5-80 the regular cashier Gopalkrishna had resumed duty. He was asked to trace the whereabouts of the petitioner and the petitioner should be brought to the bank. The cashier could not locate the petitioner but he met the petitioner's uncle one Bapeniah. The petitioner's uncle Bapeniah had visited the branch on the same day at about 4 p.m. and gave assurance that the amount paid to the petitioner would be reimbursed on 26-5-80. On 26-5-80, a sum of Rs. 1,400/- was paid by one Ramaswamy, petitioner's brother who visited the branch on that day. However he refused to sign the statement that the payment was being made by him and therefore Rudriah did not agree to receive the amount and remit to the credit of his wife's account. The petitioner was absent from duty from 23-5-80 and subsequently remained absent without submitting any leave application. On 30-10-80, charge sheet was issued to the petitioner for misconduct of making false representation to the incharge manager to issue a withdrawal form to be made over to G. Mavulamma and forged the signature of Mavulamma and presented the withdrawal form without filling particulars, that making further representation to the incharge cashier that Mavulamma wanted to withdraw the entire amount leaving a credit balance of Rs. 1000/- that based on the said representation the withdrawal form was filled up by the incharge cashier and petitioner was paid Rs. 1400/- for being made over to the account holder, Mavulamma. Reply was given on 5-1-81 by the petitioner. Domestic enquiry was conducted and the Manager (Industrial Relations) P. Krishnamurthy constituted as the Enquiry Officer Enquiry was held between 13-9-82 and 24-2-87. 7. witnesses were examined in sup-

port of the charges in the enquiry and the petitioner examined two witnesses viz., one Kona Nageswara Rao and petitioner's brother K. Ramaswamy. The Enquiry Officer gave his report on 7-11-87 holding that the charges were proved against the petitioner. Second show cause notice was issued by the Senior General Manager who was the Disciplinary Authority calling upon the petitioner to show cause why the said punishment of dismissal should not be imposed. The petitioner was asked to appear for a personal hearing on 9-12-87. Representation to the second show cause notice was given by the petitioner on 7-1-88. After considering the same, the respondent passed orders dismissing the petitioner from service. An appeal was preferred by the petitioner on 19-4-88. The said appeal was disposed by the Chairman on 8-8-88, the Appellate Authority. The dismissal of the petitioner was for acts of misconduct proved in an enquiry and the said dismissal is perfectly valid and justified. When the charge was issued in May, 1980, the petitioner had hardly put in 2 years of service. The petitioner has filled up the application form for appointment in English and therefore it cannot be said that he was not capable of filling up challans, or vouchers or withdrawal forms. In a small branch like G. Madapedu which was operated with only three employees consisting of one Manager, Cashier and sub-staff. It is not uncommon for the sub-staff to gain access with the records of the branch. Mr. Krishnamurthy, the Enquiry Officer had no personal knowledge of the allegations against the petitioner and he had no role to play in the matter of framing charges against the petitioner. Thiru C. P. Sarathi who was charged with misconduct made a confession admitting the guilt and pleaded for mercy from the beigning. The unqualified admission and expression of regret acted as an extenuating circumstances for the respondent to award a punishment lesser than dismissal There is no comparison between the case of C. P. Sarathi and that of the petitioner. Hence the respondent prays for an award approving the dismissal of the petitioner and rejecting his claim.

5. Exs. W-1 to W-41 have been marked on the side of the petitioner and Exs. M.1 to M 10 have been marked on the side of the respondent-management. No oral evidence was let in.

6. The point for our consideration is: Whether the action of the management of Vysya Bank Ltd., in terminating the services of K. Swami Naidu, Ex-substaff is legal? If not, to what relief the workman concerned is entitled to?

7. The Point.—Both sides have made elaborate arguments with regard to the fairness of the domestic enquiry and this Court has passed a preliminary order on 7-3-97 holding that enquiry proceedings and the findings are held to be fair and proper. Now what remains for further adjudication is whether the punishment is justified, to be decided u/s. 11-A of the I.D. Act. Learned counsel for the workman has submitted that in the same respondent bank one C. P. Sarathi had misappropriated Rs. 9,332 and was charge sheeted and on his admission of all the charges the respondent bank imposed a punishment of stoppage of 2 increments only. Respondent in its counter in para 35 has admitted that Th C. P. Sarathi had misappropriated, but has contended that he confessed and admitted the guilt and pleaded for mercy from the beginning and the initial admission and expression of regret acted as extenuating circumstances for the respondent to award a punishment lesser than that of the dismissal and therefore, there is no comparison of case of C. P. Sarathi and K. Swami Naidu. Learned counsel for the petitioner relied upon the judgement of Gujarat High Court in (1983 I I I T P 261) R. M. Parmar Vs Gujarat Electricity Board wherein it has been held as follows:

"An employee facing a proceeding which could result in his economic death has a right to contest and resist it. He is not bound to admit the charges, or to plead guilty in order to enable him to invoke the jurisdiction of the Court u/s. 11A to reduce the penalty. No such condition was engrafted by the Legislature and the Labour Court could not amend the statute by introducing such a rider. That he is ultimately found guilty at the departmental proceedings does not necessarily mean that he was

in fact guilty. But even if he is in fact guilty of the charge levelled against him, he has the right to invoke the powers of the Labour Court u/s. 11A for reduction of the penalty. The provision itself postulates a finding of guilty warranting a punishment recorded after a contest an dempwers the Labour Court to reduce the punishment all the same."

Since the power can be exercised even after he is found guilty at the conclusion of the enquiry, where is the compulsion to plead guilty? To say that the power can be exercised only provided an employee pleads guilty and throws himself at the mercy of the Labour Court is to rewrite (in fact virtually to repeal) the provision. Claiming reduction of penalty is his right and not something for which the employee has to beg the Labour Court, on bended knees, and folded hands. Insisting on this as a precondition for exercise of power u/s. 11A the Labour Court has abdicated its jurisdiction altogether and scuttled the purpose and policy of the Legislature. Thus, there is no effective exercise of power u/s. 11A. This is one reason why the matter requires to be remanded for a fresh decision in accordance with law uninfluenced by the circumstances that he did not plead guilty. S. 11A was brought on the Statute book by S. 3 of the Industrial Disputes (Amendment) Act, 1971. It was brought on the Statute Book on account of the felt needs of the time as it evident from Cls. 2 and 3 of the Statement of Objects and Reasons (See Gazette of India—Extraordinary Part II, Section 2, Page 64) reading as under :

2. The International Labour Organisation, in its recommendation (No. 119) concerning "termination of employment at the initiative of the employer" adopted in June 1963 has recommended that a worker aggrieved by the termination of his employment should be entitled to appeal against the termination, amongst others to a neutral body such as an arbitrator, a Court, an arbitration committee or a similar body and that the neutral body concerned should be empowered to examine the reasons given in the termination of employment and the other circumstances relating to the case and to render a decision on the justification of the termination. The International Labour Organisation has further recommended that the neutral body should be empowered (if it finds that the termination of employment was unjustified) to order that the worker concerned, unless reinstated with unpaid wages, should be paid adequate compensation or afforded some other relief.
3. In accordance with these recommendations, it is considered that the Tribunal's power in an adjudication proceeding relating to discharge or dismissal of a workman should not be limited and that the Tribunal should have the power, in cases wherever necessary, to set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, to give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require. For this purpose a new Section 11A is proposed to be inserted in the Industrial Disputes Act, 1947."

The matter regarding imposition of penalty on employees (it was so realized by International Labour Organisation, an international body) could not be left solely to the discretion of the management even if the employee concerned is found to be guilty of the charge levelled against him, presumably because of the conditioned approach of the disciplinary authority with his inbuilt and inherent pro-employer, anti-employee bias. That is why in obsevation to the felt needs of the time it was considered necessary to entrust this most vital function to a neutral body. With the end in view that the employees were not treated more harshly than they deserved on the context of facts and circumstances of the case, and that the employee could get the protection of the Labour Court which could be trusted to make a just and fair approach the provision was introduced by way of an amendment.

It is the benevolent power conferred on the Labour Court and has to be exercised in the spirit in which the provision

has been enacted in order to further the intention and purpose of the legislation, keeping aglow before the mental eye some very important dimensions of the matter viz.,

- (1) There is wide spread unemployment in the country and it is difficult to secure a job to earn enough to keep body and soul together unlike in developed country.
- (2) The State does not provide social benefits like un- extent, as is been done in the developed countries, employees to sustain himself and his family to some extent, as is been done in the developed countries.
- (3) In imposing punishment on an erring employee an enlightened approach informed with the demands of the situation and the philosophy and spirit of the times requires to be made. It cannot be a matter of mere dixity, of the disciplinary authority depending on its whim or caprice.
- (4) Be it administration of criminal law or the exercise of the disciplinary jurisdiction in departmental proceedings, punishment is not and cannot be at the end in itself. Punishment for the sake of punishment cannot be the motto. Whilst deliberating upon the jurisprudential dimension the following factors must be considered :—
 - (1) In a disciplinary proceeding for an alleged fault of an employee punishment is imposed not in order to seek retribution or to give vent to feeling of wrath.
 - (2) The main purpose of a punishment is to correct the fault of the employee concerned by making him more alert in the future and to hold out a warning to the other employees to be careful in the discharge of their duties so that they do not expose themselves to similar punishment. And the approach to be made is the approach parents make towards an erring or misguided child.
 - (3) It is not expedient in the interest of the administration to visit every employee against whom a fault is established with the penalty of dismissal and to get rid of them. It would be counter productive to do so for it would be futile to expect to recruit employees who are so perfect that they would never commit any fault.
 - (4) In order not to attract the charge of arbitrariness it has to be ensured that the penalty imposed is commensurate with the magnitude of the fault. Surely one cannot rationally or justly impose the same penalty for giving a slap as one would impose for homicide.
 - (5) When different categories of penalties can be imposed in respect of alleged fault one of which is dismissal from service, the disciplinary authority perforce is required to consult himself for selecting the most appropriate penalty from out of the range of penalties available that can be imposed, having regard to the nature, content and gravity of the default. Unless the disciplinary authority reaches the conclusion that having regard to the nature, content and magnitude of the fault committed by the employee concerned it would be absolutely unsafe to retain him in service the maximum penalty of dismissal cannot be imposed without seriously jeopardizing the interest of the employer the disciplinary authority cannot impose the maximum penalty of dismissal from service. He is bound to ask his inner voice and rational faculty why a lesser penalty cannot be imposed.
 - (6) It cannot be overlooked that by and large it is because of the maximum penalty is imposed and total ruination stares one in the eve that the employee concerned is obliged to approach the Court and avail of the costly and time consuming machinery to challenge in desparation the order passed by the disciplinary authority. If a

lesser penalty was imposed, he might not have been obliged to take recourse to costly legal proceedings which result in loss of public time and also result in considerable hardships and misery to the employee concerned.

- (7) When the disciplinary proceedings ends in favour of the employee, the employer has often to pay back wages, say for about 5 years without being able to take work from the employee concerned. On the otherhand the employee concerned would had to suffer economic misery and mental torture for all these years. Even the misery of being obliged to remain idle without work would constitute an unbearable burden. And when the curtain drops everyone is left with a bitter taste in the mouth. All because extreme penalty of dismissal or removal is imposed instead of a lighter one.
- (8) Every harsh order of removal from service creates bitterness and arouses a feeling of antagonism in the collective mind of the workers and gives rise to a feeling of class conflict. It does more harm than good to the employer as also the society.
- (9) Taking of a petty article by a worker in a moment of weakness when he yields to a temptation does not call for an extreme penalty of dismissal from service. Most particularly when he does not hold a sensitive post of trust (pilferage by a casheir or by a store-keeper from the stores in his charge, for instance, may be viewed with seriousness). A worker brought up and living in an atmosphere of poverty and want when faced with temptation, ought not, but may, yield to it in a moment of weakness. It cannot be approved, but it can certainly be understood particularly in an age, when even the rich commit economic offences to get richer and do so by and large with impunity. (and even tax evasion or possession of black money is not considered to be dishonourable by and large). A penalty of removal from service is therefore not called for when a poor worker yields to a momentary temptation and commits an offence which often passes under the honourable name of kleptomania when committed by the rich.

The Learned counsel for the respondent contended that a person in the banking industry who is capable of misappropriating and forging signature of the other person should not be reinstated since he will be tempted again to misappropriate other's money. In support of his contention, Learned counsel for the respondent cited the following decisions of the Hon'ble Supreme Court and the Hon'ble High Courts. *INT. MUNICIPAL COMMITTEE, BHADURGARH Vs. KRISHNAN BEHARI & ORS.* (1996 II SCC P 714) Apex Court held as follows:

"It is obvious that the respondent has been convicted in a serious crime and it is a clear case attracting under proviso (a) to Article 311(2) of the Constitution. In a case of such nature, indeed, in cases involving corruption—there cannot be any other punishment than dismissal. Any sympathy shown in such case is totally uncalled for and opposed to public interest. The amount misappropriated may be small or large: it is the act of misappropriation that is relevant. The Director had interfered with the punishment under a total misapprehension of the relevant factors to be borne in mind in such a case."

In *ALLAHABAD BANK & ANR Vs. DEEPAK KUMAR ROSE* (1997 II LLN P 644) at page 647, Apex Court held:

"What is an offence involving 'moral turpitude' must depend upon the facts of each case. But whatever may be the meaning which may be given to the term 'moral turpitude' it appears to us that one of the most serious offences involving (moral turpitude) would be where a person employed in a

banking company dealing with money of the general public, commits forgery and wrongfully withdraws money which he is not entitled to withdraw."

In *CHIEF GENERAL MANAGER, STATE BANK OF INDIA Vs. INDUSTRIAL TRIBUNAL & ANR* (1996 II LLN P 1183) our High Court held;

"On the facts of this case, the Tribunal was not justified in setting aside the order of termination. The misappropriation was by a bill collector in a post whose duty was to collect from the office the amount of pension receivable by the constituents or the bank and deposit the same in their accounts. Admittedly, the workman failed to deposit several thousands of rupees for some months, and misappropriated the amounts though temporarily. The cause put forth was that his creditors compelled him to part with the cash after he collected the monies from the post office. The debts were said to have been incurred for the construction of his house.

Indebtedness is not uncommon, as most people borrow monies, for short or long terms for various purposes. Employers, with a view to help their employees also provide advances of various kinds, including advance for house building purposes. The excuse put forth by the employee that he had to misappropriate the funds of the pensioner-constituents of the bank to satisfy his creditors, can hardly be regarded as a justification, or instigation for the gross misconduct committed by him. The Tribunal has acted perversely in setting aside the penalty on the basis of such explanation on the part of the workman. The award of compensation equivalent to four years salary is equally perverse. Not only has the Tribunal condoned the gross misconduct, but further proceeded to reward such gross misconduct. The relief of compensation awarded by the Tribunal is therefore, set aside and the termination of employment of the second respondent upheld. All terminal benefits such as provident fund and gratuity to which the workman is entitled by reason of his long years of service in the bank shall, however, be paid to him, it has not been paid so far."

In *DHARMAPURI DISTT. CO-OP. SUGAR MILLS Vs. LABOUR COURT, VELLORE* (1997 I LLN P 391) at page 397, our High Court held;

"A careful analysis of the judgements cited by Sri N.G.R. Prasad only suggests that in cases of minor misconduct like the use of abusive language or acts amounting to loss of confidence in the management, the respective management should not resort to the punishment of dismissal. One can easily see the line of thinking of the Supreme Court of India in relation to the minor and major misconducts. It is time to remind ourselves about the three charges held proved by the Labour Court itself. The first charge relates to negligence in the performance of duties, raising considerable embrassement to the management. This charge by itself may amount only to loss of confidence, but the second charge relates to dishonesty and temporary misappropriation. It was sought to be argued that temporary misappropriation cannot be equated with theft. It may be so. But the intention of the worker and his general attitude are clearly visible from the proof of the said charge. The third charge relates to the demand of bribe of Rs. 100/- from one Balasundaram and Rs. 200/- from P. K. Natesan. This is in our view is a very serious charge and could undermine the very reputation of the management. We are of the opinion that when the Court is faced with the charges all of which have been proved by evidence adduced before the Labour Court itself, it would be improper to have any misplaced sympathy in favour of the worker. The question of rehabilitation would only result in the destruction of discipline and morality in the entire factory. Sec. 11A of the Act was not certainly intended to cause such an embarrassment to the management. In other words, we are of the opinion that the views expressed by the Labour Court in

its concluding portion, in relation to the punishment, can never be sustained as views which a reasonable person can take. In other words, the views of the Labour Court which we have already extracted in our judgement can only be characterised as "perverse". Various judgements of the Supreme Court cited above do give power to the High Courts to interfere with the impugned order of the Labour Court. In this view of the matter, while upholding the findings of the Labour Court, on charges, we set aside the order of the Labour Court, in so far as the punishment portion is concerned."

Since my predecessor has already held that the enquiry conducted against the petitioner is fair and proper and the findings are also proper, I am not able to go into the merits of the enquiry conducted against the petitioner. However, the culpability of the Manager in giving a withdrawal form after office hours and making payment of money after office hours and making entries on the next day will throw a doubt on the part played by the Manager and the cashier who filled up the challan in this transaction. However, the workman (petitioner) has not filed any appeal or writ against the finding of this Tribunal with regard to the fairness of the domestic enquiry. But this aspect can be considered at the time of evaluating whether the punishment given to the petitioner is justifiable.

The learned counsel for the respondent submitted that a person who has misappropriated money should not be employed in the services of a bank where money belonging to customers are handled. Learned counsel for the petitioner comparing the case of one C. P. Sarathi, who has misappropriated more than 9,000/- (more than 6 times than the amount misappropriated by the petitioner) has been let off with a lenient punishment of stoppage of two increments whereas the petitioner has been terminated from service. The Learned Counsel for the respondent has submitted that the petitioner's case cannot be compared with the case of Sarathi because C. P. Sarathi admitted his guilt from the very beginning and pleaded for mercy whereas the petitioner has contested the charge against him. Because the petitioner has contested the charge against him, it cannot be said that he should be awarded the maximum punishment when the misconduct committed by him is far lesser than the misconduct committed by C. P. Sarathi who was let off with a lenient punishment of stoppage of two increments only. Judgement of the Division Bench of the Gujarat High Court referred earlier has clearly held that an employee facing a proceeding which could result in his economic death has a right to contest and resist it and he is not bound to admit the charges or to plead guilty in order to enable him to invoke jurisdiction of the Court u/s. 11A of the I.D. Act, to reduce the punishment. When comparing with the misconduct committed by C. P. Sarathi, and punishment inflicted on him, the petitioner has to be dealt with leniently and mercy should be shown to him. Termination of service is the maximum punishment which could cause economic death. The petitioner is without employment for the last 17 years. Taking into consideration of all these aspects, I hold that the termination of service of the petitioner is unjustified and he should be reinstated in service with 50 per cent of back wages and other attendant benefits.

In the result, award is passed holding that the action of the Management of Vysya Bank Ltd., in terminating the services of Shri K. Swami Naidu, Ex. Sub-staff is not legal and he is entitled to reinstatement with 50 per cent back wages and other attendant benefits. No costs.

Dated, this the 29th day of October, 1997.
S. ASHOK KUMAR, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None

DOCUMENTS MARKED

For Petitioner/Workman :

Ex. W-1|26-5-80 : Letter addressed to the Manager in Telugu (xerox copy)

W-2|4-6-80 : English translation version of Ex. W-1 (xerox copy)

W-3|22-5-80 : Payment side of the Cash Scroll (xerox Copy)

- W-4|24-7-90 : Suspension order issued to the petitioner by the respondent (xerox copy)
- W-5|15-7-81 : Letter from respondent to petitioner regarding witnesses and documents to be relied on in the enquiry (xerox copy)
- W-6|26-5-80 : Alleged specimen signature forged by the petitioner (xerox copy)
- W-7|24-5-80 : Complaint given by G. Mavulamma (xerox copy)
- W-8|8-5-79 : Duplicate account opening form of the complainant (xerox copy)
- W-9] : Specimen signature of the complainant (xerox copy)
- W-10|8-5-79 : Enlarged specimen signature as per duplicate account opening form of complainant (xerox copy)
- For Management :
- Ex. M.1|30-10-89 : Charge sheet issued to the petitioner by the respondent
- Ex. M. 2 p : Reply by the petitioner to Ex. M.1
- Ex. M. 3|10-4-81 : Enquiry notice issued to petitioner
- M-4|13-9-82 : Enquiry proceedings.
- M-5|7-11-87 : Enquiry Officer's findings.
- M-6|13-11-87 : Second show cause notice issued to the petitioner.
- M-7|7-1-88 : Reply by the petitioner to Ex. M. 6.
- M-8|16-3-88 : Dismissal order passed against the petitioner.
- M-9|19-4-88 : Letter from petitioner to respondent requesting to reconsider the punishment.
- M-10|8-8-88 : Final order passed by the respondent.
- M-11] : Cheques Issued Register (xerox copy)
- M-12] : Xerox copy of ledger folio of Smt. S. Mavulamma, S.B.A.C. No. 427.
- M-13|22-5-80 : Xerox copy of withdrawal form bearing No. 006052.
- M-14|16-5-80 : Manager's scroll (xerox copy).
- M-15|16-5-80 : -do-
- M-16] : Savings Bank Ledger Folio No. 128 of N. L. Narayana Rao S.B. A/c. No. 637 (xerox copy).
- M-17|16-5-80 : B. P. Register (xerox copy).
- M-18] : Entries made in "To Register" of G. Madapedu branch (xerox copy).
- M-19] : A/c. opening form of Gummella Mavullamma (xerox copy).
- M-20|29-5-80 : (Preliminary) report of the Branch Manager of G. Madapedu to A.G.M. (Admn. department) (xerox copy).
- M.21|16-6-80 : Investigation report by Divisional Manager to A.G.M. (Admn.) (xerox copy).

नई दिल्ली, 4 दिसम्बर, 1997

का०आ० 3238 :—ओद्योगिक विवाद अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक और मैसूर, बंगलौर के प्रबन्धताल के संबद्ध नियोजकों और उनके कर्मकारों के भीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण, तमिलनाडु के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-97 को प्राप्त हुआ था।

[संख्या एल-12012/101/95-आई०आर (बी०-१)]

पी०जे० माईकल, ईस्ट अधिकारी

New Delhi, the 4th December, 1997

S.O. 3238.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu as shown in the Annexure, in the industrial dispute between the employers in relation to the management of

State Bank of Mysore, Bangalore and their workman, which was received by the Central Government on 3-12-97.

[No. L-12012/101/95-IR(B-I)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Monday, the 6th day of January, 1997

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal.

Industrial Dispute No. 68/96

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of State Bank of Mysore, Bangalore-9.)

BETWEEN

The workmen represented by :

The President,
S.B.M. Employees' Association,
Plot No. 20, Ardal Nagar Extn.,
Adambakkam, Madras-86.

AND

The Managing Director,
State Bank of Mysore,
Head Office, K. G. Road,
Bangalore-9.

REFERENCE :

Order No. L-12012/101/95-IR(B.I) Ministry of Labour, dated 23-8-96, Govt. of India, New Delhi.

AWARD

This dispute coming on this day for final disposal in the presence of Thiru R. Ravichandran, Advocates appearing for the respondent management, upon perusing the reference and all other connected papers on record, and the workman having filed a memo for withdrawing the dispute and recording the same, this Tribunal passed the following :

This reference has been made for adjudication of the following issue :

"Whether the action of the management of State Bank of Mysore is justified in not assigning PC Computer duties to Shri T. Santhanam w.e.f. 19-2-94 ? If not,

to what relief is the workman entitled to?"

The President of Petitioner union has sent a petition by post and the same was received in this office on 16-12-96 and was posted to 23-12-96 since the I.T. was on camp on that day it is posted today. The petitioner's union has not appeared in this I.D. so far. However, no useful purpose will be served to send one more summons for their appearance. As there is every reason to believe that the petition has been sent by the President of the Petitioner-Union, the same is recorded. I.D. dismissed as withdrawn.

S. THANGARAJ, Industrial Tribunal
COPY OF PETITION OF WITHDRAWAL
FILED BY PETITIONER-UNION

Subject :—Industrial Dispute No. 68/96
Order No. L-12012/101/95-IR(B.I), dated
23-8-96 by Ministry of Labour, New Delhi.

Ref. :—Your letter dated 20-11-96.

The member for which the dispute has been raised, does not want to claim the benefits, since the Bank had already completed the formality of selection overlooking his seniority. We withdraw the case and humbly request you to close the dispute.

J. NATARAJAMANI . President

नई दिल्ली, 10 दिसम्बर, 1997

का.आ. 3239: —श्रावोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय भरकार स्टेट बैंक आंकड़े, अगरा के प्रबंधतंत्र के संबंध नियोजकों और उनके कमीकरणों के बीच, अनुबंध में निर्दिष्ट श्रावोगिक विवाद में केन्द्रीय सरकार श्रावोगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-11-97 को प्राप्त हुआ था।

[गंदवा पत्र-12012/277/90-आई.आर. (बी-1)]
पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 10th December, 1997

S.O. 3239 —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Agra and their workman, which was received by the Central Government on the 13-11-97.

[No. L-12012/277/90-IR(B-I)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR
COURT, PANDU NAGAR, DEOKI PALACE ROAD
PANDU NAGAR, KANPUR

Industrial Dispute No. 58 of 1991

In the matter of dispute between :

G. K. Gupta c/o V. K. Gupta,
2/363, Namneir Agra.

AND

Regional Manager,
State Bank of India,
Region I P.B. No. 47,
M. G. Road, Agra.

Appearance :

Sri V. K. Gupta, for the workman and Sri S. N. Sharma
Advocate for the Management Bank.

AWARD

1. Central Government, Ministry of Labour, vide its petition no. L-12012/277/90-I.R. B-3, dated 25-2-91, has referred the following dispute for adjudication to this Tribunal :—

"Whether the Regional Manager, Region no. 1, State Bank of India, Agra, was justified in terminating the services of Sri G. K. Gupta, Godown Keeper, w.e.f. 19-4-83, in violation provisions of section 25G of I.D. Act, 1947 ? If not to what relief the workman entitled ?"

2. There is no dispute between the parties that the concerned workman G. K. Gupta, was originally appointed as temporary cashier-cum-Godown Keeper on 15-12-1972 at Hathras. He continued to work upto 6-11-74, when his services were brought to an end. Thereafter the matter was taken up before ALC(C). Better sense prevailed to the parties and the management agreed to take the concerned workman as a case of fresh appointment. In pursuance of this settlement the concerned workman again joined in January, 1978, at Firozabad Branch. He continued to work there upto 19-4-83, when his services were brought to an end. Feeling aggrieved the concerned workman has raised the instant industrial dispute. In the claim statement it was alleged that his termination is bad being in breach of provision of section 25F and 25G of I.D. Act as juniors to him were retained in job when his services were brought to an end.

3. The opposite party has filed reply in which it has been alleged that in terms of Conciliation the concerned workman was again engaged as temporary godown keeper at Firozabad branch thereafter, he was given opportunity to appear in test. He failed to clear the test and in the last test he even did not appear, hence his services were brought to an end by giving retrenchment compensation and notice pay. It is note worthy that at no place it has been denied that when the concerned workman was removed from service juniors to him were not working.

4. In the rejoinder nothing new has been alleged. It may also be noted that during the pendency of reference the management also moved an application dated nil requesting the Tribunal to send a no claim award as the concerned workman after his permanent absorption has given in writing that he did not press his claim regarding illegal termination in question. The concerned workman has filed reply alleging that this letter was obtained under duress.

5. The first question which calls for determination is as whether the concerned workman has given up his claim. In this regard the management has examined A.G.M Satyadeo Sharma, who has stated that the concerned workman had voluntarily withdrawn the case when he was permanently absorbed in 1990. On the other hand the concerned workman G. K. Gupta W.W.I has stated that this statement was obtained by the management under coercion. It is true that some times in 1990 the concerned workman after clearing the test have been permanently absorbed. Still I am of the view that concerned workman would not have willingly given up his right full claim with regard to his illegal termination as he was on strong footing. Hence, I do not accept the version of the management and hold that the concerned workman had not voluntarily given up his claim. Hence he can continue his case.

6. The next point is as to whether the concerned workman was informed about holding of the test and the concerned workman deliberately did not appear in the test. In this regard there is evidence of S. P. Mehre and Satya Deo Sharma. They have stated that they have sent information through post as well as through M. K. Govil typist cum clerk. From the cross examination of Satyadeo it also emerges out that the concerned workman was not found when information was sought to be communicated personally. In rebuttal there is evidence of the concerned workman who has stated that he was not given any information in the year 1982 regarding holding of test. In my opinion, in this case the evidence of both witnesses of the management is hearsay being not based on any personal knowledge. The proper course would have to examine M. K. Govil who had actually visited the house of concerned workman. Thus on the side of the management there is hearsay evidence where as on the side of concerned workman there is evidence of workman which is based on personal evidence. In between the two evidence the evidence of the concerned workman is of much better quality than that of the management, hence I accept the version of the management and hold that he was not informed about holding of test, hence there was no fault if he did not appear in the test and consequently on this ground he could not be removed from service.

7. Now it may be considered whether there has been breach of provision of section 25G of I. D. Act. There is pleading as well as evidence of the concerned workman in this regard. There is neither denial in the written statement of this fact nor any evidence in rebuttal has been given in this regard. Hence, I accept the version of the concerned workman and hold that there has been breach of section 25G of I. D. Act, when he was removed from service.

8. As regards the dispute regarding breach of section 25F of Industrial Disputes Act, 1947, it is beyond the scope of reference, hence it is not being considered.

9. In view of above it is held that termination of the concerned workman is bad and it will be deemed that he continued to be in service from 19-4-83. However, he will not be entitled for difference of wages from the date of termination till the date of reference. Still this period will be deemed to be in continuity in service for the purposes of gratuity, pension and other retiral benefits.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 दिसम्बर, 1997

का.आ. 3240.—श्रीदीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ग्रांफ क्लेवन्सीर, कोटपाम के प्रबंधतात्र के संवेदन नियोजकों और उनके कर्मकारों के बीच, अनबंध में निर्दिष्ट श्रीदीयोगिक विवाद में श्रीदीयोगिक अधिकरण, अलापुजा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-97 को प्राप्त हुआ था।

[संख्या पंख-12012/135/94-बी-1]
पी. जे. माइकल, डैस्क अधिकारी

New Delhi, the 10th December, 1997

S.O. 3240.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Alappuzha as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of State Bank of Travancore, Kothayam and their workman which was received by the Central Government on the 8-12-1997.

[No. L-12012/135/94-B-II]
P. J. MICHAEL, Desk Officer.

ANNEXURE
IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ALAPPUZHA.

(Dated this the 12th day of November, 1997).
PRESENT :

SHRI K. KANAKACHANDRAN, Industrial Tribunal.

I. D. NO. 22/95.

BETWEEN

The Asstt General Manager, State Bank of Travancore, Zonal Office, Collectorate, Kottayam.

AND

The Workman of the above concern Shri K. Balan, C/o. Shri H. B. Shenoy, General Secretary, Cochin Labour Union, 'VAT-SAL', Krishnaswamy Road, Kochi—682 035.

REPRESENTATIONS :

M/s. M. Pathros Matthai and Mariam Matthai, Advocates, Bauerji Road, Cochin—682 018.

.. For Management

M/s. H. B. Shenoy, Ashok B. Shenoy and Mathews Emmanuel, Advocates, 'VAT-SAL', 39/187, Krishnaswamy Road, Ernakulam, Cochin—682 035.

.. For Workman.

AWARD

1. This industrial dispute was referred to this Tribunal by the Government of India by its order No. L-12012/135/94-B-I, dated 28-8-1995. The issue referred for adjudication as Scheduled therein is as follows :—

"Whether the action of the management of State Bank of Travancore in terminating the services of Shri K. Balan with effect from 9-11-1993 is legal and justifiable? If not, what relief the workman is entitled to?"

2. The workman in this dispute was engaged as a casual employee in various branches of the management bank. It is the case of the union that he was employed as a Peon initially in Pandalam Branch of the State Bank of Travancore on 20-3-1990. Thereafter he was continuously working as Peon till 9-11-1993, on which day his services were terminated without fulfilling any of the conditions stipulated in Section 25-F of the I. D. Act. During the period of his continuous service, he had worked in the Elavumthitta and Kulanada branches also. When he was working in all those Branches, although he was doing all the works of a regular Peon, he was paid only daily wages and that too at the discretion of the Branch Manager. The management had been treating him all along only as a temporary workman though he was continuously working and doing all the duties and responsibilities of a regular Peon. While he was working, several requests were made by him for the regularisation of his service, but nothing was done by the management bank on his

request. It is further contended that the termination of his service was in violation of provisions of law, All India Awards and bipartite settlements applicable to the banking industry. Another complaint is that after retrenching the workman from service, some of the juniors who were appointed subsequently were retained and their services were regularised later. Thus the action of the management is inviolative of Section 25-G and 25-H of the I. D. Act and also para 520 of the Sastri Award. Government of India, Ministry of Finance had issued clear guidelines in the year 1990 urging the Public Sector Banks to regularise the services of temporary workers on the basis of certain norms fixed. Accordingly regularisation was permitted in the case of temporary workers who had been employed for 240 days or more during the period of 12 consecutive months. Although the workman was also entitled, the benefits of regularisation in accordance with that guidelines was not extended to him. Therefore, the plea of the union is for a declaration that the workman is also entitled for regularization in accordance with the above referred guidelines. Another relief sought is that since the action of the management in terminating the service of the workman with effect from 9-11-1993 was illegal and unjust, he is entitled for reinstatement in service with the benefit of continuity of service and back wages.

3. The management filed a written statement disputing the contentions of the union. According to them the workman was never employed as a Peon in any of the branches under the management banks. Since he was not an employee of the bank, none of the provisions of settlements or awards are also applicable to him. The claim of the workman that he was employed as a temporary Peon in Pandalam branch on 20-3-1990 is denied. Similarly the claim of service rendered in other two branches viz., Elavumthitta and Kulanada is also disputed by the management. According to them, whenever a person is given temporary appointment, that will be only through a written appointment order and then only the appointee will be permitted to join duty. At no occasion, any kind of appointment order was given to the workman. Moreover his name was not sponsored by the Employment Exchange to fill up any of the vacancies of Peon in the Bank. He was engaged only on casual basis by one of the officers of the Bank for attending certain excess works. Merely because he was engaged casually by some officers to do some excess work on casual basis, he will not become an employee of the Bank. Moreover, neither the Manager nor any Officer of the Branch has been authorised to appoint anybody as a Peon in the Ban. Whenever the workman had worked, that was purely on casual basis and he had never been treated as temporary workman of the Bank. At no occasion he had worked in the Bank's branches for 240 days or more during any period of 12 months. Therefore he cannot be brought within the definition of "workman". So as to enjoy any of the benefits contemplated in Section 25 of the I. D. Act. The contention that he had made several representations for his absorption in service is also disputed by the management. According to them, he never had raised any plea for his regularisation at any time prior to the raising of this dispute. The allegation that he was retrenched with effect from

9-11-1993 is also denied by the management. Since he was engaged only occasionally to do some casual works, there was no contract of service also with him. In view of the above, it is contended that they had not violated any of the provisions contained in Section 25 of the I. D. Act or para 522, 523 and 524 of the Sastri Award. According to them, recruitment to the Bank's service is possible either on sponsoring by the Employment Exchange or on making recruitment through the Banking Service Recruitment Board. Since the management being a public sector bank, it can make appointments being a public sector bank, it can make appointments only in accordance with the statutory rules, Government regulations and guidelines. Therefore there is no question of giving any kind of regular appointment to him. Since he had not continuous service of 240 days during the period of 12 months at any time, his plea for protection under Section 25-F is of no basis.

4. Both sides adduced evidence. The workman himself tendered evidence as WW1. According to him he was temporarily appointed in the Pandalam Branch initially to do the work of a Peon. In the nearby Branches also he was doing same type of working. According to him, he was entrusted with the work of Peon when one permanent Peon K. K. Baby was on continuous leave in Pandalam Branch. In Kulanda Branch also he was engaged to do the work of a Peon, because the regular Peon in that Branch was promoted as a Record Keeper. According to him he had four years of continuous service and through out, he was working in a permanent vacancy and doing permanent nature of work.

5. The number of days the workman had worked in different periods are given by the management when they filed counter statement before a Conciliation Officer after the raising of this dispute. Ext. W2 is the reply given by the management before the Conciliation Officer on 25-4-1994. From page 2 of Ext. W2 it can be seen that during nine months period, that is from 20-3-1990 to 31-12-1990, the workman had worked 204 days. In the year 1991 he had worked for 201 days. From 1-1-1993 to 30-6-1993 he had worked 89 days and that service was both in the Pandalam Branch and Elavumthitta Branch. It is the admitted case of the management that since he was engaged on daily basis, no payments were given to him on Sundays and other holidays. On the other hand the workman's case is that he had worked altogether 556 days of service in between 1-3-1992 to 9-11-1993 and that was in addition to the continuous service of 2 years from 20-3-1990 to 28-2-1992. These details are given in Ext. W1 statement filed by him before the Assistant Labour Commissioner, Trivandrum during the pendency of conciliation proceedings. It is the case of the workman that whenever he worked, he was being paid wages through vouchers and custodian of those signed vouchers is the management Bank. In order to prove his case, he filed a petition before this Tribunal on 10-1-1997 with the plea for giving direction to the management to produce Charges Account Register maintained at Pandalam, Elavumthitta and Kulanda branches of the management during the period from March 1990 to November 1993. Plea was also made to produce all the debit slips/vouchers corresponding to the entries in the charges account register maintained at Pandalam, Elavumthitta and Kulanda branches for the above said period. In response to that petition, the Management had produced only the registers of the year 1993 and the Bills/vouchers of that period. The reason for non-production of required register and debit slips for the entire period from March 1990 to December 1992 was explained through a memo filed before this Court while producing available documents. It is stated therein that charges amount account and debit slip in respect of only January 1993 to July 1993 were available. The explanation given by the management for the non-production of similar documents like that of Ext. M3, M4 and M5 and Ext. M7 are not convincing, because those were the most relevant document for the proper determination of this dispute. In this

connection it is to be noted that this dispute was raised immediately after the alleged termination of the workman. Ext. W1 statement showing the details of service was filed by the workman immediately after the starting of conciliation proceedings. Knowing well about such contentions in advance, the management ought to have preserved the relevant documents to vindicate their stand. Therefore their failure to produce required materials will only vindicate the stand of the workman that he was in continuous employment for about four years. It is also the admitted case of both sides that whenever he was employed, he was being paid on daily basis through vouchers. All the vouchers duly signed by him after receipt of money would have been the proper material to ascertain the number of days he had worked during the period in question. Therefore benefit of presumption on account of non-furnishing of relevant materials before this Tribunal has to be given to the workman. In these circumstances, this Tribunal has no option but to conclude that the workman had rendered 240 days of continuous service immediately preceding the date of his alleged termination.

6. From the materials furnished by the management themselves (Ext. W2), it can be seen that during the period of 9 months in the year 1990, the workman had worked for 204 days. Therefore there was every possibility to his continuance in service more than 240 days in every year starting from 20-3-1990. In that case he is entitled for notice pay and compensation on the basis of number of years of service he rendered immediately before the alleged date of termination.

7. The plea of the workman that he is entitled for absorption or regularisation in service cannot be upheld, because appointment to the staff and sub-staff category is to be done in accordance with the Rules and Regulations framed by the Central Government and the bank management from time to time. For making regular appointment to the sub-staff category, sponsoring of name from the Employment Exchange is essential and admittedly the workman was not sponsored by the Employment Exchange at any time. Only on certification by the Employment Exchange that there was no qualified candidate in the list maintained by the Employment Exchange, direct appointment by the Bank Management is possible in the sub-staff category. Therefore there is no sustainable ground for the regularisation of workman in service of the management Bank. However in view of the conclusion by the Tribunal that he had worked for more than 240 days of service immediately before the alleged date of termination, he is entitled for protection as envisaged in Section 25-F of the I.D. Act. Admittedly the management had not complied with that mandatory provision at the time of termination. Hence it is declared that workman is entitled for protection as envisaged in Section 25-F. Till a valid termination is effected by the management, he is entitled for the benefit of continuity in service as if there was no termination. As a consequence he is entitled for full wages also in the manner as he was getting on the date immediately before the alleged date of termination.

Award is passed accordingly.

(Dated, this the 12th day of November, 1997).

K. KANAKACHANDRAN, Industrial Tribunal

I.D. 22/95(C)

Witnesses examined on the side of the Management :—

MW 1 : Krishna Raj.

MW 2 : Vijayakumar.

Witness examined on the side of the Workman :—

WW 1 : K. Balan.

Exhibits marked on the side of the Management :—

M1 : True Copy of Indian Bank's Association letter No. PD/CIR/76/5/25/1372 dated 27-10-1990 addressed to Chief Executive of Public Sector Bank.

M2 : Copy of the Prescribed appointment order form of the management firm regarding the appointment of Temporary workers.

M3 : Details of Charges Account entries in respect of coolie paid to the workman.

M4 (Series) Cash Vouchers for the period from 6/93 to 8/93 in respect of the workman at Pandalam Branch.

M5 : Staff Circular No. 75/90 dated 10-10-1990 issued by the Management Bank regarding the details of Temporary Workers.

M6 : Certified copy of the Charge Account Book maintained by the Management from 1/93 to 7/93 at Elavurethitta Branch.

M7 (Series) Original of Cash Vouchers for the period from 1/93 to 8/93 in respect of the workman at Elavumthitta Branch.

Exhibits marked on the side of the Workman :—

W1 : Copy of the representation dated 23-5-1994 of the workman regarding recrishment addressed to the Asstt. Labour Commissioner (C), Thiruvananthapuram.

W2 : Objection letter dated 25-4-1994 of the Management Bank addressed to the Assistant Labour Commissioner (C), TVM against Ext. W1 representation.

W3 : Letter dated 20-6-1994 of the Management Bank addressed to the Asstt. Labour Commissioner (C), Trivandrum.

W4 : Copy of the letter No. F-3/3/104/87-RE dated 16-8-1990 sent to the Chief Executives of all Public Sector Banks by the Government of India, Ministry of Finance.

W5 (Series) Photocopy of pages of Local Delivery Book maintained by the Management Bank.

नई दिल्ली, 4 दिसम्बर, 1997

का.आ. 3241.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भू. ईस्टर्न कोलफील्ड्स लि. के प्रबन्धतांत्र के संबंध जियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, (रो-2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-97 को प्राप्त हुआ था।

[म. एल-20012/145/87-डी III(ए) आई.आर. (सी.-I)]

प्रज. मोहन, डैम्क अधिकारी

New Delhi, the 4th December, 1997

S.O. 3241.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of M/s. Eastern Coalfields Ltd. and their workman, which was received by the Central Government on 3-12-1997.

[No. L-20012/145/87-D.III(A)/IR(C-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 4 OF 1988

PARTIES :

Employers in relation to the management of Eastern Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated. the 24th November, 1997

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the

following dispute to this Tribunal for adjudication vide their Order No. L120012(145)/87-D.III(A), dated, the 7th December, 1987.

SCHEDULE

"Whether the action of the management of Mandamand Colliery of Kapasara Area of M. s. Eastern Coalfields Limited, Post Kapasara Dist. Dhanbad in retiring Shri Chandramani Manjhi, Loader Stacker with effect from 17-7-1986 is justified ? If not, to what relief the workman is entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But none of the parties turned up nor took any steps. Then again notices were issued to them but inspite of the issuance of notices to them they neither turned up nor took any steps. It therefore leads me to an inference that there is no dispute existing between the parties presently. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer
नई दिल्ली, 4 दिसम्बर, 1997

का०ग्रा० 3242 :—आंशिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं० मेन्टल कॉलफील्ड्स लि० के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंशिक विवाद में केन्द्रीय सरकार आंशिक अधिकरण, (मं - 2), धनवाद के पञ्चपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-97 को प्राप्त हुआ था।

[मं. प्र०-24012/145/86-डी IV (वी) आई आर (म -I)]

ब्रजमोहन, इंस्क अधिकारी

New Delhi, the 4th December, 1997

S.O. 3242.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Central Coalfields Ltd. and their workmen, which was received by the Central Government on 3-12-1997.

[No. L-24012/145/86-D.IV(B) IR(C-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. B. Chatterjee, Presiding Officer.
In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947
3170 GI/97-13

PARTIES :

REFERENCE NO. 192 OF 1987

Employers in relation to the management of Ara Colliery of M/s. Central Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the workmen : None.
On behalf of the employers : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 27th November, 1997

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(145)/86-D.IV(B), dated, the 23rd April, 1987.

SCHEDULE

"Whether the action of the management of Ara Colliery of CCL P.O. Kuju, Dist. Hazaribagh in terminating the services of Shri R. R. Maharaj, Mining Sirdar who was a patient of TB and who wanted only his transfer is legal and justified ? If not, to what relief the workman concerned is entitled ?"

2. Soon after the receipt of the order of reference from the Govt. of India, Ministry of Labour notices were duly served upon the parties. But none of the parties turned up nor took any steps. Then again notices were issued to them but inspite of the issuance of notices to them they neither appeared nor took any steps. It therefore leads me to an inference that there is no dispute existing between the parties. Accordingly, a 'No dispute' Award is passed in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1997

का०ग्रा० 3243 :—आंशिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंशिक विवाद में केन्द्रीय सरकार आंशिक अधिकरण, मदाय के पञ्चपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-97 की प्राप्त प्राप्त हुआ था।

[मं. प्र०-12012/269/92-आईआर (वी .II)]

ब्रजमोहन, इंस्क अधिकारी

New Delhi, the 8th December, 1997

S.O. 3243.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 5-12-1997.

[No. L-12012/269/97-IR (B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Wednesday, the 26th day of November 1997

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 85 of 1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Indian Bank, Madras).

The workmen represented by

The General Secretary,
Indian Bank Employees Association,
115, Angappan Street, 1st Floor,
Madras.

AND

The General Manager,
Indian Bank,
Rajaji Salai, Madras.

REFERENCE :

Order No. L-12012/269/92-IR (B-II), Ministry of Labour, dated 8-12-92, Government of India, New Delhi.

This dispute coming on this day for arguments, upon perusing the reference, claim and counter statements and all other connected papers on record, and both the parties being absent, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of the Indian Bank in imposing the punishment of one increment cut with cumulative effect in respect of Shri V. Ramanan is justified? If not, to what relief he is entitled?"

No representation. Dismissed for default.

Dated, this the 26th day of November, 1997.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली 4, दिसम्बर, 1997

का.आ. 3244.—श्रीद्वयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंस्टरनेशनल एयरपोर्ट श्रीवारिटी ब्रॉक इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीद्वयिक विवाद में केन्द्रीय सरकार श्रीद्वयिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-97 को प्राप्त हुआ था।

[संख्या एल-11012/4/87-डी.-II/(बी) (डी-III)]
बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 4th December, 1997

S.O. 3244.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of International Airport Authority of India and their workman, which was received by the Central Government on 3-12-1997.

[No. L-11012/4/87-D.II(B)|D.III(B)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 103|88

In the matter of dispute between :

Shri Yash Pal Tanwar
C/o Hawa Singh Chahar,
B-416, Pragati Vihar, Hotel
(Near Nehru Stadium) New Delhi.

Versus

The General Manager,
International Airport Authority of India,
I.G.I. Airport, New Delhi.

APPEARANCES:

Shri Yash Pal in person.

Shri Saurab Parkash--for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/4/87-D. II(B)|D.-III(B) dated 27-9-1988 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of International Airport Authority of India, New Delhi in terminating the services of Shri Yash Pal Singh Tanwar, Switch Board Attendant w.e.f. 1-6-1981 is justified? If not, to what relief the workman is entitled?"

2. The workman in his statement of claim has alleged that he was selected and posted in pursuance of an advertisement as switch board attendant by the management in the pay scale of Rs. 210-360. He joined his duties on 31-3-79 on probation for a period of one year and worked with utmost diligence and hard work during that period. His probation His probation period which was to end on 31-3-80 was extended for a period of six months vide order dated 7-6-80. Once again vide order dated 27-10-80 his probation period which was to end on 30-9-80 was further extended for six months w.e.f. 30-9-80 as from the last extension order the probation period of the workman was to come to an end technically on 31-3-80, but the management after keeping the confirmation of service of the workman in abeyance for 3 months, terminated the services of the workman vide their letter dated 1-6-81.

3. The termination of the services of the workman was in gross and blatant violation of the statutory provisions of the I.D. Act, 1947. It was also in total disregard to the (General Service Conditions) Regulation 1978 of IAAI, Section 23 of the said Regulation reads as follows :—

"Section 23 TERMINATION:

The services of an employee may be terminated without assigning any reason as under :—

(a)

(b) of an employee on probation by giving him 7 days notice in writing or pay in lieu of notice; and

(c)

The power of discharge 'simpliciter' will be exercised only by Chairman. The decision of the Chairman can, however, be reviewed by the Authority."

The workman was neither given statutory notice of a month or pay in lieu thereof nor was he given notice in compliance with the International Airport Authority Regulation. The termination letter was also issued and signed by the General Manager and not by the Chairman. That termination of the services of the workman on ground of unsatisfactory purposes in order to circumvent and bypass the stage of confirming him was illegal and he was entitled to the benefit of section 12 of the International Airport Authority (General Service Conditions) Regulations 1978 which reads as follows :—

"Section 12 reads as under :—

12. PROBATION:

(1) Every person regularly appointed to any post in the Authority, otherwise than on deputation or on promotion shall be required to be on probation for the period not less than one year from the date of appointment or for such period as the Authority may prescribe but not exceeding two years.

(2)

(3)

(4) An employee who has satisfactorily completed his probation in any post will be confirmed as soon as thereafter as possible, and his confirmation will become due from the original due date of his confirmation.

(5)"

The workman, therefore, having satisfactorily completed his probation acquired a substantive right over the said post but the management in total disregard of the rules and regulations had terminated his services. It has been prayed that the termination of services being illegally declared as such and he had to be reinstated with full back wages and interest by the management.

4. The Management in its written statement alleged that he was taken on probation for a period of one year from the date of taking charge and the said period could be extended or reduced depending upon his performance. His services were liable to be terminated during the period of probation and thereafter without any notice or without assigning any reason on the sole discretion of the authorities. His services could not be recorded as confirmed till a letter of confirmation was issued to him to that effect. His work and conduct was not found to be satisfactory and for that his period of probation was extended and during the extended period his services were terminated as he has not shown any period after the extension in his probation period. It has also been alleged in the written statement that in case it was found by this Tribunal that the order of termination of the workman was illegal for any reason whatsoever then management may be given opportunity to prove the charges of misconduct levelled against him vide charge sheet dated 24-4-81. In such a case if the Tribunal comes to the finding that the charge of the misconduct has been proved against the workman then also order of the termination of the workman would stand and would not be entitled to any relief whatsoever. The Management has thus justified its action and alleged that the termination of the workman was during the probation period which they could legally do. In his rejoinder the workman has alleged that he was falsely charged with concocted and baseless charges dated 24-4-81 to which the workman had replied. The Management realising the futility of the exercise in as much as the charges against the workman was devoid of any merits, chose to terminate the services of the workman in an arbitrary manner in total disregard to the statutory requirements without completing the enquiry initiated against him on the basis of the charge sheet. The Management could not be allowed to blow hot and cold for the same after having voluntarily chosen to give up the enquiry by taking the steps towards illegal termination of his services. The law of intimation of the domestic enquiry and that of termination of services were signed by the same official and the action of the management was thus highly justified.

5. The management in support of its evidence examined Shri T. S. Sheikh MW1 while the workman himself appeared as WW1 in his support as he own witness.

6. I have heard representatives for the parties and have gone through the record.

7. The Management representative has urged that the action of the management was fully justified as his probation period had been extended and during the extended period of probation any action could be taken against him without any notice. He has further urged that it was so recorded in the appointment letter that he could be terminated without any notice during the probation period and before confirmation. The representatives of the management has further urged that there was delay in the action of the workman to approach the conciliation authorities and the court. His services were terminated on 4-6-81 and he filed statement of claim on 31-7-1989. The workman according to the management was not interested in the dispute and had thus not only delayed the proceedings knowingly of his case against the management.

8. The workman representative on the other hand has urged that the probation period comes to an end on 31-3-81 and if no order is passed by the management regarding his confirmation and termination by that date he would be presumed to have been confirmed on that date. He was as such entitled to all the benefits of a regular employee who has completed the probation period of two years. He has also urged that the enquiry was ordered against the workman as alleged in the written statement by the management itself for which even a charge sheet was served on the workman on 24-4-81 and pending enquiry the workman services were dispensed with by the management on 1-6-81. The charges were of misconduct but the enquiry was not completed for reasons best known to the management. It has been urged that the action of the management was fully unjustified and either they could terminate his services before the entry of the date of completion of the probation i.e. 31-3-81 or once that date was over and they had initiated enquiry against him they should have completed the enquiry and if found guilty in the enquiry he could be punished as per result of the enquiry.

9. After having gone through the points urged before me by the representatives of the parties, I am of the opinion that the date of completion of the probation period is not disputed in this case. The workman probation period according to the appointment letter was two years and he joined the duties on 31-3-79 and his probation period automatically comes to an end on 31-3-81 after availing of the extension. No order upto 31-3-81 was passed and it was only on 1-6-81 after a period of 3 months of the conclusion of the probation period the order of termination was passed. In between i.e. on 24-4-81 the workman was charge sheeted and an enquiry was initiated but the result of the said enquiry was not awaited and on 1-6-81 his services were suddenly terminated. The management representative in his written arguments has nowhere given any answer to the question as to why the action of a termination of service was not taken before the completion of the period of probation and why the enquiry was not concluded once it was initiated. Neither in the written arguments nor oral arguments at any stage the management representative has been able to answer this question. The authorities cited by the management in its written arguments were regarding the power of the management to terminate the services within the period of probation. The citation are the judgments of the Hon'ble Supreme Court of India but no authority/judgment has been shown by the management representative of terminating the services of the employee after the completion of the probation period and after having initiated a regular enquiry for which charge sheet was served on the workman. I am, therefore, in view of this situation of the considered opinion that the termination of the services of the workman after the expiry of the probation period and after initiation of the enquiry against him but without completing that enquiry the termination was not at all justified. He, therefore, deserves to be reinstated.

10. As regards the back wages of the workman concerned I am guided by the judgment in R. C. Yadav Vs. State of Bihar 1988 II LLJ 343 SC that the workman was responsible for unnecessary delay

in approaching the court. He had gone to the High Court in this case and the reference was received only on 30-9-88 when his services were terminated on 1-6-81. He was not entitled to back wages from the date of his termination till the date of reference to this court. I, therefore, order that the workman be reinstated with full back wages and continuity of service from 30-9-88 upto the date of his reinstatement with all benefits attached to this post. Parties shall, however, bear their own costs of this dispute.

Dt : 26th Nov. 1997.

GANPATI SHARMA, Presiding Officer
26-11-97.

नई दिल्ली, 4 दिसम्बर, 1997

का आ 3245:—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्टट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कम्बिटरों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, कलकत्ता के पचाप्त को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-1997 को प्राप्त हुआ था।

[मेरे एल-32011/3/93-आई आर (विविध)]
बी एम. डेविड डैम्प अधिकारी

New Delhi, the 4th December, 1997

S.O. 3245.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust ad their workman, which was received by the Central Government on the 3-12-1997.

[No. L-32011/3/93-IR(Misc.)]
B. B. CHATTERJEE, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 40 of 1993

PARTIES:

Employers in relation to the management of Calcutta Port Trust

AND

Their workmen

PRESENT:

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management : Mr. M. K. Das,
Senior Labour Officer (IR).

On behalf of Workmen : Mr. R. N. Chandra,
President of the Union.

STATE : West Bengal. INDUSTRY : Port.

AWARD

By Order No. L-32011/3/93-IR(Misc.) dated 14th October, 1993 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust in dismissing the services of Shri Fachai Sahani, U.S.L., Item No. 146 under Electrical Foreman, GRJ/NSD w.e.f 3-12-1991 is disproportionate to the gravity of the misconduct committed by him and the same is legal and justified or not ? If not, what relief the workman is entitled to?"

2. The union's case in short is that one Fachai Sahani whose name appear in all the service record, leave sheets and service book maintained by the management of Calcutta Port Trust was appointed as an unskilled labour as far back as on 23-4-1969. Due to illiteracy of Fachai Sahani he had never any access for inspection of the relevant entries or description of his name in the service record. It is alleged that the real name of Fachai Sahani is Rupan Sahani, son of late Rameswar Sahani (alias Sukdeb Sahani). As soon as the said error was detected in the service book, he took step for rectification of the record by insertion of his correct name as Rupan Sahani. The concerned workman informed the CPT authorities about the mistake committed by him and prayed for rectification of his name in the records of the management. The CPT authorities however misconstrued the said action of the concerned workman by imputing charge of false impersonation for getting the job from the management. The concerned workman has alleged that it is a simple mistake on his part and that it was possible because he was an illiterate person. The workman has further alleged that as he himself was not incharge of maintaining the records he cannot be made liable for the alleged impersonation by way of false declaration of name.

The concerned workman was thereafter charged with 22 years of unblemished service. After the charged with 22 years of unblemished service. After the chargesheet was issued, an order for domestic enquiry was passed and there the Enquiry Officer in flagrant violation of the principles of natural justice and rules of law and without examination of any document found him guilty and forwarded his report to the disciplinary authority, who accepted the finding of the Enquiry Officer and dismissed the concerned workman from service with effect from 3-12-1991. The workman preferred an appeal before the competent appellate authority but that appeal too was dismissed by order dated 15-5-1992. The dismissal of the appeal also was made without giving any chance of hearing.

The union has challenged dismissal of the workman from service as illegal, arbitrary and violative of the provisions of section 11A of the Industrial Disputes Act, 1947. The union has accordingly prayed for quashing of the impugned dismissal order dated 3-12-1991 and for his reinstatement with back wages.

3. The management of Calcutta Port Trust has filed a written statement denying the allegations of the union. Its case is that the concerned workman declared his father's name as late Rameswar Sahani at the time of his appointment in service. He then swore an affidavit before the Notary Public on 5-1-1988 changing his name to Rupan Sahani, son of late Rameswar Sahani (alias Sukdeb Sahani). He also gave notice in the local news paper to the effect that henceforth he would be known as Rupan Sahani. Thereafter, he made an application to the Chief Mechanical Engineer for change of his name in the office record enclosing the affidavit and news paper cutting. The declaration of Shri Sahani for change of the office record created suspicion about his identity and the matter was investigated by the vigilance department of the Calcutta Port Trust. In the vigilance enquiry it was detected that Shri Sahani was an imposter.

A chargesheet was issued on 13-5-1991 charging the workman with misconduct for securing employment by false impersonation on 23-4-1969. Shri Sahani submitted his reply on 30-5-1991 and denied the allegation and pleaded not guilty to the allegation and pleaded not guilty to the charges levelled against him. The disciplinary authority thereafter appointed an Enquiry Officer on 16-8-1991 to conduct the disciplinary proceeding. One Jalilur Rahaman, Electrician and Vice President of the Union came to attend the enquiry proceeding subsequently. Enquiry was held in respect of Shri Sahani fully in accordance with the provisions Calcutta Port Trust Employees' (Classification, Control and Appeal) Regulations, 1987 as provided for in Regulation 8(10) of the said Regulations. The Enquiry Officer asked Shri Sahani whether he was guilty or had any defence to make. In reply Shri Sahani pleaded guilty to the article of charges. The Enquiry Officer submitted his report on 3-10-1991 finding Shri Sahani guilty of the charges levelled against him and on the basis of the report of the Enquiry Officer to that effect, the Deputy Chairman as the disciplinary authority directed removal of Shri Sahani from service with immediate effect. Shri Sahani thereafter preferred an appeal on 2-1-1992 on different grounds. In his appeal, Shri Sahani accepted the charge levelled against him, unconditionally. He made another appeal to the Chairman on 3-10-1992. Upon consideration of the relevant factors, the Chairman as the appellate authority rejected the appeal.

The management of Calcutta Port Trust has accordingly alleged that in removing Shri Fachai Sahani from Trustee's service as per order dated 3-12-1991 on the charge of impersonation, the management acted justly, properly and fairly. The management has accordingly prayed for rejection of the claim of the union in limine.

4. The rejoinder filed by the union is merely repetition of its case made in the written statement and denial of the allegations made by the management in its written statement.

5. Heard the representatives of both sides.

6. At the outset, I have to mention the schedule of reference for the purpose of understanding the scope of this reference. As shown above, the only point for consideration in this reference is whether the dismissal of services of Shri Fachai Sahani on 3-12-1991 is disproportionate to the gravity of misconduct committed by him and whether the same is legal and justified or not. There is therefore, no scope for this Tribunal to go into the legality and validity of the enquiry proceeding itself. The representative of the union wanted to make submissions on the legality and validity of the domestic enquiry and though there is hardly any scope for looking into the matter from this aspect, still then, it will be clear from the following discussions that the enquiry proceeding was properly conducted and the report of the Enquiry Officer in this matter does not suffer from any infirmity.

7. The enquiry proceeding itself is marked Ext. M-4 and M-4(a) in this case. Prior to that a charge-sheet was issued which is marked Ext. M-1. From the chargesheet it appears that Shri Fachai Sahani, U.S.L., item No. 146 under Electrical Foreman, GRJ/NSD is charged with misconduct in as much as he secured employment under the Calcutta Port Trust on 23-4-1969 by impersonating his name. In paragraph 2 of his written explanation (vide Ext. M-2) the workman denied the charges of impersonation. It appears from Ext. M-4 that departmental enquiry was fixed on 16-9-1991 and that on the prayer of the concerned workman for shifting of date of the said hearing, the next date of preliminary enquiry was fixed on 20-9-1991. The date was further shifted to 23-9-1991, on which date the workman appeared and submitted himself for preliminary examination. On being asked by the Enquiry Officer about the acceptance of the charge levelled against him, the concerned workman admitted that he accepts the charge levelled against him and that his actual name is Rupan Sahani and his father's name is late Sukdeb Sahani and he joined the CPT on 23-4-1969 impersonating his name as Fachai Sahani son of late Rameshwar Sahani. On being further asked as to how he secured service in 1969, he stated that his maternal uncle is a Porter in the CPT and he registered one employment exchange card in the name of his son Shri Rachai Sahani. After the death of his son Fachai Sahani, his maternal uncle helped him to get a job in CPT using the name of his late son Fachai Sahani. It further appears that at that stage of the enquiry proceeding the concerned workman requested the Enquiry Officer to allow Shri Jalilur Rahaman, Electrician to assist him in the domestic enquiry. The prayer was allowed and the said Jalilur Rahaman made his submission that the concerned workman is an illiterate man and although he made a mistake in this case, his case might be considered with sympathy. The Enquiry Officer accordingly rightly concluded the proceeding noting in the enquiry sheet that because of the admission by the concerned workman, the enquiry be closed. On the basis of the available evidence on record and specially on the basis of admission of the concerned workman, the Enquiry

Officer submitted his report finding him guilty of the charge levelled against him.

8. It appears that the concerned workman, who admitted that he was Rupan Sahani and Fachai Sahani was his cousin brother in the enquiry proceeding, swore an affidavit on 5-1-1988 stating that Fachai Sahani and Rupan Sahani, son of late Rameswar Sahani (alias Sukdeb Sahani) is the same and identical person. Apart from the fact that it was sworn about 20 years after his entry into the service which itself gives rise to the suspicion of its falsehood, his clear statement in this matter before the Enquiry Officer after the swearing of his affidavit leaves no room for doubt about its falsehood. Even before this Tribunal he stated he does not know any one in the name of Sukdeb Sahani though in the affidavit he stated that Sukdeb Sahani is another name of his father Rameswar Sahani.

9. The concerned workman having unequivocally admitted his guilt in the preliminary hearing of the enquiry proceeding, no further enquiry in the matter was necessary and the proceeding was rightly concluded by the Enquiry Officer and the report of the Enquiry Officer is not accordingly assailable on any ground.

10. Coming now to the question of quantum of punishment, I find that the disciplinary authority awarded the punishment of dismissal for committing of the offence of impersonation in procuring his job. Representative of the union submitted that the management ought to have proceeded against him for criminal offence. It is the discretion of the management to initiate a criminal proceeding or to proceed against an employee departmentally. Simply because the management adopted latter course for punishing the employee, that would be no ground for declaring the said proceeding illegal or invalid. The representative of the management submitted that the commission of the offence of impersonation amounts to grave misconduct for which the dismissal from service of an employee can be made. The representative of the union had no submission to offer in respect of the fact that impersonation for the purpose of procurement of service amounts to grave misconduct, rendering an employee liable to dismissed from service.

11. It is true that the concerned workman is illiterate and that he has rendered service for long 22 years. But that by itself, shall not come of any benefit to him since the procurement of service was done dishonestly, depriving thereby the rightful claim of any other person who might have been appointed in his place.

12. In the above view of the matter, the punishment of dismissal inflicted upon the workman cannot be said to be disproportionate to the offence committed by him, nor can it be said to be illegal or unjustified in view of the fact that to any order for his reinstatement would not only amount to putting a premium for commission of a grave offence but also deprivation of a rightful claimant to get the said service.

13. In view of what goes above, the workmen shall not be entitled to any relief in this case.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 24th November, 1997.

नई दिल्ली, ४ दिसम्बर, १९९७

का.शा. ३२४६.—ग्रौंडोगिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में, केन्द्रीय सरकार हालादिया इकॉफॉर्मेशन के प्रबन्धतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ग्रौंडोगिक विवाद में केन्द्रीय सरकार ग्रौंडोगिक अधिकरण, कलकत्ता के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को ३-१२-१९७ को प्राप्त हुआ था।

[मंज्ञा नं.-३२०११/९/९६-माई.आर. (विविध)]

वी.एम. डेविड, ईस्क अधिकारी

New Delhi, the 4th December, 1997

S.O. 3246.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Haldia Dock Complex and their workmen, which was received by the Central Government on 3-12-1997.

[No. L-32011/9/96-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 13 of 1997

PARTIES :

Employers in relation to the management of Haldia Dock Complex

AND

Their Workmen.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management—None.

On behalf of Workmen—None.

STATE : West Bengal INDUSTRY : Port and Dock

AWARD

By Order No. L-32011/9/96-IR (M) dated 31-3-1997 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Haldia Dock Complex in ignoring the seniority in obtaining Certificate of Competency for selection to the post of

3170 GJ/97-15

L.C. Drivers is justified ? If not, whether the demand of giving promotion to Sk. Abdul Rashid and Md. Abu Bakar Sk. to the post of L.C. Driver is justified ? If so, to what relief the workmen are entitled ?"

2. When the case is called out today none of the parties appear. The workmen/union is to file written statement complete with relevant documents, list of reliance and witness today. It appears from the record that the union never appeared in the case and no step is taken by them in the matter. It is accordingly clear that the union/workmen is not longer interested in the matter.

3. In the aforesaid circumstances, in the absence of any material on record whatsoever for any decision of the issue under reference, this Tribunal has no other alternative but to pass a "No Dispute" Award in this case.

4. A "No Dispute" Award is accordingly passed and the reference is disposed of.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 26th November, 1997

नई दिल्ली, ४ दिसम्बर, १९७७

का.शा. ३२४७.—ग्रौंडोगिक विवाद अधिनियम, १९४७

(१९४७ का १४) की धारा १७ के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्टट्रस्ट के प्रबन्धतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ग्रौंडोगिक विवाद में केन्द्रीय सरकार ग्रौंडोगिक अधिकरण, कलकत्ता के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को २-१२-१९७ को प्राप्त हुआ था।

[मंज्ञा नं.-३२०१२/१०/९०-माई.आर. (विविध)]

वी.एम. डेविड, ईस्क अधिकारी

New Delhi, the 4th December, 1997

S.O. 3247.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workmen, which was received by the Central Government on 2-12-1997.

[No. L-32012/10/90-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 5 of 1991

PARTIES :

Employers in relation to the management of Calcutta Port Trust

AND

Their Workmen.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. G. Mukhopadhyay, Senior Labour Officer (I.R.).

On behalf of Workmen—Mr. S. Das, Secretary of the Union.

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No L-32012/10/90-IR (Misc.) dated 27-3-1991 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust in reverting Jh. Sk. Sahidul Islam from the post of Fireman Gr. I to LR Fireman Gr. II and denial of promotional benefit as provided in the Circular letter No. 4128/18/5227 dated 28-9-1987 issued by Calcutta Port Trust management is justified or not ? If not, to what relief the workman is entitled to ?"

2. When the case is called out today none is present on behalf of the union even though the management is represented by their officer. The representative of the management drew my attention to a petition filed by Sri S. Das, Secretary of the National Union of Waterfront Workmen (I) dated 10-9-1997 in which he has prayed for passing a "No Dispute" Award in this case since the cause of action in terms of schedule of reference is non-existing as Jh. Sk. Sahidul Islam, the concerned workmen has already been promoted to higher post and the workman is not willing to proceed with the matter any further.

3. In view of the fact stated in the aforesaid petition of the union, there is nothing for the Tribunal to decide matter on merit and the Tribunal has no other option to pass a "No Dispute" Award. Accordingly, a "No Dispute" Award is passed.

This is my Award.

Dated, Calcutta,

The 24th November, 1997

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 1997

का.आ. 3248.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक सी आई के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चिट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकारण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-97 को प्राप्त हुआ था।

[सं. एस-22012/145/एक/89-आई आर (सी-II)]
लौली मारु, डैस्क अधिकारी

New Delhi, the 9th December, 1997

S.O. 3248.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 4-12-1997.

[No. L-22012/145/F/89-IR(C II)]
LOWLI MAO, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: NEW DELHI

I. D. No. 127|89

In the matter of dispute :

BETWEEN

The State Secretary,
Bhartiya Khadya Nigam Karamchari Sangh
(Regd.),

C/o Bhartiya Khadya Nigam Mukhalaya,
16-23, Barakhamba Lane,
New Delhi-110001.

Versus

Zonal Manager (North),
Bhartiya Khadya Nigam,
Sansad Marg,
New Delhi-110001.

APPEARANCES :

Shri Anil Kapoor for the management.
Shri Vanjani Narain for the Union.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-22012(145)F/89-I.R. (K-II) dated 7-11-1989 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management in fixing the seniority of S|Shri Pritam Singh, Dharam Pal Dahiya and Attar Singh Dahiya w.e.f. 1975 is justified ? If not, to what relief the workmen concerned are entitled ?"

2. The concerned workmen S|Shri Attar Singh Dahiya, Dharam Pal Dahiya and Pritam Singh, were appointed as Asstt. Grade III(D) in June, 1971 and September, 1971 respectively in the Food Corporation of India and they joined their duties as such on 29-6-71, 10-3-72 and 18-12-71 respectively in Haryana Region.

3. The Zonal Manager (North), vide letter dated 22-2-1975 had sought option from the workmen to perform ministerial job in the Residuary Cell at Delhi on transfer from Hariana in the interest of the Corporation. The workmen, including the concerned workmen, gave option and were transferred from Haryana to Delhi Region in May, 1975.

4. It is stated by the Union that the concerned workmen had given evidence in favour of the management against an employee, namely Shri Raj

of the Food Corporation of India in the said Residuary Cell, which resulted in threatening letters to them. The said letters were submitted to the then Joint Manager, Residuary Cell, in original, for ensuring safety of their lives.

5. It is further stated by the Union that the concerned workmen also requested for their transfer to F.S.D., Sonipat (Haryana), their original place of posting, as they considered themselves to be safe over there. The management instead of getting the concerned workmen transferred to F.S.D., Sonipat (Haryana), transferred them to Head Quarters, New Delhi in December, 1975 to continue the work of Ministerial nature. These workmen again received threatening letters in February, 1976, which were also submitted to the Personnel Manager, Headquarters, in original, with the request for ensuring their safety.

6. It is further stated by the Union that in August, 1977, the cadre of these workmen was changed by Headquarters from original Depot cadre in the Ministerial cadre, vide order dated 12-8-1977, but without giving full weightage of seniority of their original Depot cadre, which was challenged by the Union, as the same was in violation of Clause 16(7) of the Staff Regulations, 1971 of the Food Corporation of India, whereunder, if such transfer is in the opinion of the competent authority in the interest of the Corporation, seniority of the transferee will be fixed in the new unit after giving full weightage to the service counting for seniority in the particular old unit. It is stated by the Union that the seniority of the employees of the Corporation on change of cadre is fixed in view of the said clause of the Staff Regulations.

7. The Union has claimed seniority of the concerned workmen from the date of their initial appointment on the strength of clause 16(7) of the Staff Regulations, 1971 of the Food Corporation of India.

8. In their written statement, the material facts, as stated by the Union in statement of claim, although have not been disputed by the management claim of the Union to grant seniority to the concerned workmen from the date of their initial appointment, has been denied.

9. The management have filed 9 documents and have examined Shri L. K. Naithani, Deputy Manager (IR), F.C.I., as MW 1|1.

10. The Union has filed 6 documents and has examined Shri Dharam Pal Dahiya, one of the concerned workmen, as MW 1|1.

11. I have heard the representatives of both the parties and have gone through the evidence on record.

12. The basis of the claim of the Union is Clause 16(7) of the Staff Regulations 1971 of the Food Corporation of India. The said Clause as stated by Union is read as under :—

'Relative seniority of an employee Transferred from one unit to another :

"An employee transferred from one unit of seniority to another will be ranked as junior most in the particular category on the date of his joining in new unit. If, however, such transfer is in the opinion of the competent authority in the interest of the Corporation, seniority of the transferee will be fixed in the new unit after giving full weightage to the service counting for seniority in particular category in the old unit."

13. It is not disputed that the concerned workmen, on their option sought for, were transferred by Zonal Manager (North) from Haryana to Residuary Cell at Delhi in the interest of the Corporation in May, 1975. This is also evident from the letter dated 4-1-1984 from Dy. Zonal Manager (N) for Zonal Manager (N), New Delhi (Ext. W|1).

14. From the perusal of the aforementioned Clause of the Staff Regulations 1971 of Food Corporation of India, it is clear that the seniority of the transferee, will be fixed in the new unit after giving full weightage to the service, counting for seniority in particular category in the old unit, which has arbitrarily been denied to the concerned workmen in violation of the aforementioned Regulation.

15. On the perusal of the material on record before me, I find that the action of the management in fixing the seniority of the concerned workmen, w.e.f. 1975 is not justified, is arbitrary and is in violation of the aforementioned Staff Regulation, as a result of which they are entitled to be given weightage to the service rendered by them in their particular category in the old unit from where they were transferred in the interest of the Corporation, who fixing their seniority.

16. Hence, my award is that the concerned workmen are entitled to be given seniority from the date they initially joined the Food Corporation of India with all consequential benefits accrued to them.

17. Award is given accordingly.

Dated : 28th November, 1977.

GANPATI SHARMA, Presiding Officer

in the chargesheet and under such circumstances it has to be held that the inquiry which was conducted is against the principles of natural justice the copy of the chargesheet is at Exhibit-9/1. After perusal of the chargesheet it reveals that there is a clear mention that in 12 months of 1991 how many days the workman remained present. On its basis it is also alleged mentioned that clause-13(i)(v)-habitual late attendance or absence without leave, which is termed as a misconduct. After perusal of this charge-sheet I do not find any vagueness in the same. The copy of this chargesheet translated in Hindi was also given to the workman. He denied the charges.

12. It is tried to argue on behalf of the workman that he does not understand Hindi or English and the proceedings which had taken place which he did not understand. It is also to submit that he did not sign the proceedings. I do not find any merit in it. When the worker deposed before this Tribunal even though his affidavit that is examination in chief is in English the questions were put to him in Hindi. He followed them and answered it. Not only that his signature on his affidavit, Vakalatnama and the proceedings appears to be same. It has to be said that he participated in the proceedings and followed it. Chandak and Parekar the witness for the management affirmed that the workman participated in the proceedings and followed the same. I find substance in it. They are corroborated on the basis of the documentary evidence.

13. One of the contention of the workman is that he was not allowed to be represented by Mr. S. R. Bendale, the General Secretary of Lalbavta Koyla Kamgar Union as a co-worker to assist him in the inquiry. It is not in dispute. He is not an employee of Nakoda Colliery nor in the service of W.C. Ltd. in any unit and as such cannot be treated as a co-worker of the workman and consequently not entitled to represent the workman in the inquiry in the terms of the certified standing orders applicable to the workman. It is not the case of the workman that he sought permission to any other co-worker who is an employee of Nakoda Colliery or an employee of the W.C. Ltd. and it was rejected. It is not his case that he sought permission for appointment of an advocate which was rejected by the inquiry officer. The request which was made by him was absolutely unjustified and untenable which was rightly rejected by the management.

14. From the inquiry proceedings it is very clear that the workman had participated in the inquiry. He lead evidence. Therefore it cannot be said that the inquiry is ex parte. It can be further seen that the charge which was against the workman is absenteeism. Tukaram Parekar the witness who appeared for the management had given a clear dates of his attendance in the year 1991 which is mentioned in the chargesheet. So far as this position is concerned from the inquiry proceedings it appears that it is not disputed. In the argument it is tried to submit that the workman was on a medical leave for some period and he was present for remaining days. But there appears to be no evidence to that effect in the inquiry proceeding nor in documentary evidence to support his claim.

15. Reverting back to the inquiry it can be seen from the testimony of Sopar workman and the management witness Parekar and Chandak there is no infringement of any of the rights of the workman while conducting the domestic inquiry. But, there is a main fault by which it has to be said that the inquiry which was held against the workman was against the Principles of Natural Justice.

16. In Managing Director ACIL Hyderabad Vs. B. Kurumakaram 1994 I L.L.I. 162. Their Lordship have observed that delinquent employee has a right to receive copy of the report of inquiry officer before disciplinary authority arrives at a conclusion. As such report to be furnished even if the statutory rules do not permit furnishing of such a report or are silent. The inquiry officers report is to be furnished whenever rules required inquiry for inflicting punishment and when the inquiry officer is not the disciplinary authority in withstand the nature of the punishment. On the basis of the ratio given in that authority it has to be said that for non-supply of the findings of the inquiry officer to the workman and for not giving an oppor-

tunity to him for the proposed punishment the inquiry is against the Principles of Natural Justice. So far as the other contention of the workman regarding the domestic inquiry is concerned are negative.

17. The inquiry officer had given his report which is produced alongwith Exhibit-9/7. His findings are based on the evidence before him. Parekar had lead evidence showing that how many days the workman was absent. He had categorically stated that in the year 1991 the worker attended only 73 days. He was absent from duty frequently without information and permission from the competent authority. He produced bonus register in support of the charges. In presence of the workman and the workman was given an opportunity to cross examine him and comment on the documentary evidence. But the workman refused to do so. In other words from the testimony of Parekar the management proved the charges which were levelled against him. The findings of the inquiry officer are based on it. I therefore, do not find any perversity in it.

18. The second issues pertains to the proving of the charges to the satisfaction of the Tribunal by acceptable evidence. As I have come to the conclusion that the domestic inquiry which was held against the workman was against the Principles of Natural Justice only because the findings of the inquiry officer was not given to the workman I restrained myself from giving any finding on it. It is to be given at Part-II Award.

19. Eventhough there is no issue in respect of Whether there is an Industrial Dispute or whether the Lalabavta union can represent the workman I intend to answer it. As the worker was terminated obviously it become an Industrial Dispute under the Industrial Disputes Act of 1947. It is not necessary that the recognised union should sponsor the dispute. It can be further seen that in later proceeding the workman was represented by an advocate like that of management.

20. It can be seen that now the copy of the findings of the inquiry officer is given to the workman although the documents are filed by the management at Exhibit-9. Now the workman has to be heard on it at the time of argument. The management is also required to give the permission to lead evidence to justify its action. In this particular case I may observe that the management had already lead oral evidence of Parekar and the inquiry officer. There appears to be nothing remained to be proved by oral evidence. In the result I record my findings on the points accordingly and pass the following order :

ORDER

The domestic inquiry which was held against the workman is against the Principles of Natural Justice.

The findings of the inquiry officer are not perverse.

The management is allowed to lead evidence to substantiate its action.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 फ़िस्त्र, 1997

का.आ. 3250—लेन्ड्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, श्रीचो-
पिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (4) के उपखंड IV के उपवंशों के अनुसरण में भारत सरकार के अध्ययन संस्कारण की अधिसूचना संघर्ष का. आ.
1703 दिनांक 18 जून, 1997 द्वारा सीमेंट उद्योग में सेवा को उक्त प्रधिनियम के प्रयोजनों के लिए 18 जून, 1997 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

ओर केन्द्रीय सरकार की राय है कि लोकहित में उक्त कानूनविधि को छः मास की ओर कानूनविधि के लिए बढ़ावा जाना अपेक्षित है,

अतः इब्ब, अद्यौं गिर्विदादशिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ii) के उपर्युक्त (vi) के परन्तुक इतना प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोगों के लिए 18 दिसम्बर, 1997 से छः मास की ओर कानूनविधि के लिए सोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/12/97-आर.आर. (पी.एल.)]

हरी चन्द गुप्ता, अवर सचिव

New Delhi, the 16th December, 1997

S.O. 3250.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1703 dated 18th June, 1997 the services in the Cement Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 18th June, 1997.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 18th December, 1997.

[No. S-11017/12/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 17 दिसम्बर, 1997

का.आ. 3251.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारत के राजपत्र असाधारण भाग-II, खंड-3(ii) में दिनांक 8 जून, 1995 को प्रकाशित भारत सरकार, अम मंत्रालय की अधिसूचना सं. का.आ. 509(अ) दिनांक 8 जून, 1995 में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में इस "प्रयोगनार्थ केन्द्रीय सरकार द्वारा मान्यता प्राप्त नियोजक संगठनों के परामर्श से धारा 4 के खंड (ii) के अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त" शीर्षक के तहत उक्त उद्योग को उक्त अधिनियम के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जायेगी, अथवा :

श्री वी. पी. चौपड़ा,

अध्यक्ष,

फेडरेशन ऑफ एसोसिएशन ऑफ स्माल इंडस्ट्रीज

ऑफ इंडिया, (एफ ए एस II),

मार्केट मै. इन्डो फास्नर्स,

ई-30, फोकल पाइट,

लुधियाना-141010

[सं. यू-16012/2/95-एस एस-I]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 17th December, 1997

S.O. 3251.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 509(E), dated the 8th June, 1995 published in the Gazette of India, Extraordinary, Part-II, Section 3(ii) dated the 8th June, 1995.

In the said notification under the heading "Appointed by the Central Government under clause (f) of Section 4 in consultation with organisation of employers Recognised by the Central Government for the purpose" for the entries against Serial No. 38, the following entries shall be substituted namely:—

Shri V. P. Chopra,

President,

Federation of Association of Small Industries of India (FASII),

C/o. M/s. Indo Fasteners,

E-30, Focal Point, Ludhiana-141010.

[No. U-16012/2/95-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 18 दिसम्बर, 1997

का.ग्रा. 3252.—राजभाषा (संघ के भासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के इन्हें (4) के अनुसरण में केन्द्रीय सरकार, मुख्य श्रमायुक्त (केन्द्रीय) का कार्यालय, श्रम मंत्रालय, नई दिल्ली के प्रशासनिक नियंत्रणाधीन सहायक श्रमायुक्त (केन्द्रीय) का कार्यालय, भोपाल को एतद्वारा अधिसूचित करती है।

[संख्या ई-11011/1/93-रा.भा.नो.]

पी. एम. सिराजुद्दीन, निदेशक

New Delhi, the 18th December, 1997

S.O. 3252.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the Office of Assistant Labour Commissioner (Central) Bhopal, an Office under the Administrative control of Cheaf Labour Commissioner (Central), Ministr of Labour New Delhi.

[F. No. E-11011/1/93-R.B.N.]

P. M. SIRAJUDDIN, Director

